

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
April 6, 2022
6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. REPORTS OF THE COMMISSION

E. CONSENT AGENDA

1. Minutes of the March 2, 2022 Regular Meeting
2. Minutes of the March 14, 2022 Regular Meeting
3. Development Review Committee Action Item: SP-19-0001. Powhatan Terrace
4. Development Review Committee Action Item: C-22-0021. 3341 Chickahominy Road Overhead Utility Waiver
5. SPLN-21-0001. Stonehouse Land Bay 5

F. PUBLIC HEARINGS

1. SUP-22-0001. 3 Marclay Road Tourist Home

G. PLANNING COMMISSION CONSIDERATIONS

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - April 2022

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

J. ADJOURNMENT

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the March 2, 2022 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the March 2, 2022 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	ComSecretary, Planning	Approved	3/30/2022 - 4:57 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 2, 2022
6:00 PM

A. CALL TO ORDER

Mr. Tim O'Connor called the meeting to order at 6:00 p.m.

Mr. O'Connor welcomed Mr. Stephen Rodgers to the Commission.

B. ROLL CALL

Planning Commissioners Present:

Tim O'Connor
Rich Krapf
Jack Haldeman
Frank Polster
Rob Rose
Barbara Null
Stephen Rodgers

Staff Present:

Paul Holt, Director of Community Development and Planning
Adam Kinsman, County Attorney
John Risinger, Planner

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

Mr. Polster stated that the Policy Committee met on February 17, 2022. Mr. Polster further stated that this was the second meeting for the Fiscal Year (FY) 2023-2027 Capital Improvements Program Review (CIP). Mr. Polster stated that the purpose of this meeting was for the Committee to discuss CIP applications with Planning and Financial Management Services staff and provide feedback regarding questions on specific CIP projects with representatives from General Services, Social Services, Stormwater, and Williamsburg Regional Library (WRL).

- **Project E General Services Administration Building and Project Y Covered Parking for Specialty Vehicles & Trailers**

Mr. Polster stated that ms. Joanna Ripley, Assistant Director of General Services and Mr. Shawn Gordon, Chief Civil Engineer General Services provided answers to

Committee members question on future telecommuting of employees, potential impact on currently projected office space requirements, rationale for requirements for the number of proposed waiting areas, conference rooms and training rooms, and updates on solar applications for County facilities. Staff noted that General Services has only 11 that are eligible for intermittent telework, so they did not see space savings. Mr. Polster stated that on the proposed waiting areas and training rooms, the revised space need has combined both staff and field so some of these spaces are both warm up rooms and training rooms that can also be cordoned off for emergencies where they may be used for sleeping quarters for emergency response events. Mr. Polster stated that staff also discussed the proposed installation of solar panels application to both the General Services and Covered Parking projects. Mr. Polster stated that staff is in the process of releasing a Request for Information (RFI) to examine solar applications across County facilities. Mr. Polster noted that solar panel application for the Covered Parking had a 12-year return on investment by reducing the Law Enforcement Center's electric bill the cost of the covered facility was about \$280,000 while the solar application had an estimated cost of \$320,000 Mr. Polster noted that staff wants to look at other options and has included it as part of the RFI.

- **Project ID: Z Human Services Center Renovations**

Mr. Polster stated that the telecommuting issue was raised with this project also. Mr. Polster further stated that because of its team approach, Human Services does not see a large number of their staff telecommuting. Mr. Polster stated that there was some discussion on the consolidation of Human Services, the facilities survey needs to accommodate the projected 2040 workforce, and the extent of the renovation which is mainly driven by the removal of the Old Towne Medical and Dental Center portion of the facility.

- **Project ID F Stormwater CIP**

Mr. Polster stated that the College/Skiffes Watershed Management Plans (WSMP) and the College/Skiffes WSMP Retrofits are the last watersheds to have a WSMP as required by the Comprehensive Plan. Mr. Polster noted that portions of both watershed that are on the Department of Environmental Quality's (DEQ) impaired waters list and the watershed plan will assist in identifying mitigation strategies.

- Mr. Polster stated that the Total Maximum Daily Load (TMDL) Action Plan Updates/Upgrades/Retrofits is part of the renewal of the County's MS4 permit for the next 5-year cycle.
- Mr. Polster stated that the Stream Restoration Project Maintenance/Repairs is requested because each of the past stream restorations require monitoring and some of these facilities are older and will require maintenance.
- Mr. Polster stated that the name of the Route 5 Flood Mitigation Study should be The Flood Study for the Powhatan Creek Watershed since with increasing precipitation there are known flooding issue at Route. 5, News Road, and Longhill Road.
- Mr. Polster stated that the James City County (JCC) Best Management Practice (BMP) Retrofits project is looking at County BMPs that were developed with older standards. Mr. Polster noted that this is a great opportunity for matching funds from the state's Stormwater Local Assistance Fund (SLAF) program to retrofit these older facilities.

- **Project IDs:**

AA New James City County Library Branch/Alternate New Jointly Funded

Library, Project ID
BB James City County Library Playground (Friends of WRL Funded)
C New Grove Library

Mr. Poster stated that Ms. Betsey Fowler, Director of the WRL responded to the "What is the position of both the City Manager and County Administration on the location of the new James City County Library Branch or Alternate?" Mr. Polster stated that the County was clear that it is not interested in investing in the current library for a fourth renovation and the City of Williamsburg is not interested in participating in a joint facility other than the existing location and held the view that the library is a major economic driver. Mr. Polster noted that the City Manager wants a new library built on the current site and has already put \$8 million the City's CIP fund. Ms. Polster s stated that the County Administrator has had some discussions with the Board of Supervisors members, and is deferring to the Board to explore this option further. Mr. Polster noted that the Library Board voted at its January 2022 meeting that the preferred site is the existing site based on a recent survey of library users. Mr. Polster further noted that the survey highlighted the issue for the need for adequate parking in this location.

Mr. Polster stated that the New Grove Library at 10,000 square feet was discussed and envisioned as a neighborhood library with children's material and popular high-demand items. Mr. Polster stated that the neighborhood library is specifically designed to meet the specific need of that area of several populations. Mr. Polster noted that The Friends of the Library have underwritten a lot of programming in this area like enrichment programs for children and parents; however, even with partnering with the Abram Frink, Jr Community Center and the James River Elementary School. The space is not adequate and there is a need to intensify their outreach but it is limited without additional space. Mr. Polster stated that have been some discussions with the County Administrator and Mr. John Carnifax Director of Parks& Recreation about the idea of co-location of the library with the proposed new Lower County Park. Mr. Polster noted that the James City County Library Playground is an all donor-funded and that the cost to the County was for staff time for the projects since it is on County property.

Mr. Polster stated that the Policy Committee met. on February 24, 2022 for the third meeting on the FY 2023-2027 CIP. Mr. Polster stated that the purpose of this meeting was to allow the Policy Committee to discuss CIP applications with Planning and Financial Management Services staff and provide feedback regarding questions on specific CIP projects with representatives from x Parks and Recreation, Economic Development, and the Williamsburg-James City County Schools (WJCC Schools).

- **Project IDs:**
M Chickahominy Riverfront Park Campground
S Jamestown Beach Event Park Improvements
D JCC Marina Phase 2
X Warhill Sports Complex Connector Road
O Baseball Field Expansion (Warhill Sports Complex)

Mr. Polster stated that Parks and Recreation Staff addressed a series of questions on the Chickahominy Riverfront Park Campground, Jamestown Beach Event Park Improvements, and JCC Marina Ph 2, Warhill Sports Complex Connector Road, and Baseball Field Expansion (Warhill Sports Complex) that revolved around the improvements, estimated revenue and the possibility of combing projects to realize the reduced cost. Mr. Polster stated that staff outlined the current and expected revenues for these projects. Mr. Polster stated that staff clarified that there are separate projects

for Chickahominy Riverfront Park that required asphalt paving and savings could be realized by consolidating those separate requirements. Mr. Polster noted that staff discussed return on investment and highlighted that the most striking example of return on investment was the relocation and upgrade of the RV Park and Storage at the Chickahominy Riverfront Park. Mr. Polster stated that in FY 21 the Park generated \$670 in revenue of which \$470,000 were camping fees. Mr. Polster noted that the RV Park improvement project is estimated to generate an additional \$75-\$100K. Mr. Polster further noted that over 50% of the Parks & Recreation budget is supported by these types of fees.

- **Project ID: C Business Ready Sites Program**

Mr. Polster stated that staff addressed questions on the Business Ready Site Program which contained four properties which were reviewed by the Virginia Economic Development Partnership (VDEP). Mr. Polster stated that the state reports were for two properties that are owned by James City County: Green Mount Industrial Park and Stonehouse Commerce Park; and two that are privately owned: 9200 Barhamsville Road and Hazelwood Farms. Mr. Polster stated that the report had an engineering and design cost to bring the properties to a Tier 2 level. Mr. Polster stated that based on recent events it appears that the Hazelwood Farm now has a Tier 2 rating, and the County would not invest to bring it to a Tier 3. Mr. Polster further stated that owners of the Hornsby Property have not been contacted to see if they were willing to participate in a Tier 2 effort or the project 50% cost-sharing.

- **Project IDs:**
DD JHS Cafeteria School Expansion
EE LHS School Renovation
Project ID: FF Pre-K Space

Mr. Polster stated that WJCC Schools provided an update on both the Jamestown High School (JHS) cafeteria expansion and the Lafayette High School (LHS) renovation which would create extra capacity for both schools. Mr. Polster stated that with the completion of the Lafayette renovation, rezoning/redistricting would take place to offset the capacity issue forecast for the next six years at Jamestown. Mr. Polster stated that WJCC Schools provided an update on the current capacity of Pre-K at 395 with a dynamic waiting list of around 97. Mr. Polster noted that WJCC Schools addressed the WJCC and JCC funded Anlar report that showed an unserved population of 231 Pre-K students. Mr. Polster stated WJCC Schools also addressed the location and number of PreK buildings question by indicating that they are at the beginning stages of a feasibility study and engineering and design contract to determine the location and number of free-standing Pre-K buildings. Mr. Polster noted that two freestanding Pre-K buildings were discussed with both Boards and might result in three freestanding buildings based on the feasibility study.

Mr. Polster stated that the Policy Committee met on March 2, 2022, for the fourth meeting on the FY 2023-2027 CIP. Mr. Polster stated that the purpose of this meeting was to allow members of the Policy Committee to discuss their final rankings of the FY 23-27 CIP before submitting its recommendation to the Planning Commission for its March 14, 2022, meeting.

Mr. Polster stated that Policy Committee members were generally satisfied with the final ranking of the 31 CIP projects, with one exception being the Open Space Match which had a ranking of 14. Mr. Polster stated that the Committee discussed the application and agreed to move it to the number 10 position.

Mr. Polster stated that three other recommendations were discussed: CC New Grove Area Library, BB James City County Library Playground (Friends of WRL Funded), and AA New James City County Library Branch/Alternate.

Mr. Polster stated that the Policy Committee recommended including a note for Priority 30, the AA New James City County Library Branch/Alternate, that there was not a clear recommendation on the location of the project after attempts over the last two years to make the decision and based on that, the Planning Commission agrees that there is a need for a new library or expanded facility but that the decision on the location for it rests with the Board of Supervisors.

Mr. Polster stated that Policy Committee recommended including a note for Priority 31, BB James City County Library Playground (Friends of WRL Funded), the Committee recommends that the Friends of WRL are funding the design and construction of the project but because it is on County property it will require staff time for the design and the County will assume responsibility for the maintenance of the playground. The concept for the project is a natural playground that looks like a miniature natural landscape. They are sometimes referred to as ecological parks, play parks, or nature parks.

Mr. Polster stated that the Policy Committee recommended including a note for Priority 7, CC New Grove Area Library, that the Planning Commission does not support a stand-alone facility but does support a co-located facility with either the New Lower County Park or the current Abram Frink, Jr. Frinks Community Center and James River Elementary School to continue its outreach programs to the community.

E. CONSENT AGENDA

1. Minutes of the February 2, 2022 Regular Meeting

Ms. Null made a motion to approve the Minutes of the February 2, 2022 Meeting.

On a voice vote, the Commission approved the Minutes of the February 2, 2022 with Mr. Krapf and Mr. Rodgers abstaining. (5-0)

2. SPLN-21-0002. Parke at Westport

Mr. Polster requested to pull SP-21-0002 from the Consent Agenda for separate discussion.

Mr. Polster inquired if the Stormwater Division concerns over the BMP had been resolved.

Mr. Holt stated that to his knowledge the concerns have been resolved.

On a voice vote, the Commission voted to approve SP-21-0002. Parke at Westport.(7-0)

F. PUBLIC HEARINGS

1. SUP-21-0023. Bush Springs Road Extension of Public Water and Sewer Facilities

A motion to Deny was made by Rich Krapf, the motion result was Passed.

AYES: 6 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, Polster, Rodgers, Rose

Nays: O'Connor

Mr. O'Connor stated that the applicant has come back to the Commission with additional information. Mr. O'Connor further stated that additional staff is on hand to answer questions regarding the James City Service Authority (JCSA) standards.

Mr. O'Connor stated that the Public Hearing was closed at the last meeting and inquired if the Commission would like to reopen the Public Hearing.

Mr. Krapf made a motion to reopen the Public Hearing.

On a voice vote, the Commission agreed to reopen the Public Hearing. (7-0)

Mr. John Risinger stated that Mr. Jay Epstein has applied for a Special Use Permit (SUP) to allow for the installation of public water and sewer facilities by extending an existing force main and water main within the Bush Springs Road right-of-way from the Bush Springs Road and Toano Woods Road intersection heading south. Mr. Risinger stated that the force main and water main would be further extended within right-of-way proposed to be located on private property owned by the applicant. Mr. Risinger stated that the existing Bush Springs Road right-of-way is zoned A-1 General Agriculture and R-1 Limited Residential and designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. Properties for the proposed future right-of-way are zoned R-1 Limited Residential and designated Low Density Residential and Rural Lands.

Mr. Risinger stated that following the discussion at the February 2, 2022, Planning Commission meeting, the applicant and County staff have provided additional information for the Planning Commission's consideration. Mr. Risinger stated that the applicant provided a revised project narrative and additional supplemental documentation regarding the project, the costs of connections to public water and sewer in comparison to well and septic systems, and how the project relates to adjacent properties. Mr. Risinger further stated that the JCSA has prepared a memorandum explaining when connections to public water and sewer are required and what the costs of connection are. Mr. Risinger stated that staff notes that the County and the JCSA do not currently have programs for assistance with the costs of connections. Mr. Risinger stated that staff received questions regarding where existing septic systems are located and what would happen if they are damaged during construction. Mr. Risinger noted that the County does not maintain records of drain fields; however, the applicant has provided documentation from the Virginia Department of Health.

Mr. Risinger stated that staff explored the possibility of adding an SUP condition to require that the applicant be responsible for remediation if a drain field was damaged during construction; however, after consultation with the County Attorney's Office, it was determined that this condition was not viable. Mr. Risinger stated that, at the applicant's suggestion, staff explored whether an SUP condition could remove the requirement for adjacent properties to connect. Mr. Risinger stated that after consultation with the County Attorney's Office, it was determined that such an SUP condition would need to explicitly prohibit connections which is not supported by staff.

Mr. Risinger stated that staff finds the proposal to be inconsistent with the recommendations of the adopted 2045 Comprehensive Plan and therefore does not recommend approval of the proposed SUP. Mr. Risinger stated that should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration.

Mr. Krapf inquired whether the water and sewer connection would convey if the property were sold to another developer.

Mr. Risinger stated that the connection would convey. Mr. Risinger further stated that there is an SUP for the installation to commence within 24 months, absent any requests to extend that timeframe.

Mr. Krapf inquired if it is possible that the end user could ultimately be different from the current applicant.

Mr. Risinger confirmed that the SUP is not tied to a specific development plan or end user.

Mr. Krapf inquired if a Traffic Impact Analysis (TIA) would be required for the property to be developed by right, should the SUP be denied.

Mr. Risinger stated that in the R-1, Limited Residential District, the by-right density is one dwelling unit per acre. Mr. Risinger stated that for a higher density an SUP would be required and the legislative requirements would be applied. Mr. Risinger stated that for a by-right development, the Virginia Department of Transportation (VDOT) would be included in those plans but would likely not require a TIA.

Mr. Polster inquired if, since the public outreach meeting did not take place, any of the additional information assembled by staff or provided by the applicant had been shared with the residents along Bush Springs Road.

Mr. Risinger stated that the information assembled by staff was given to the residents but he would defer to the applicant on those outreach efforts.

Mr. Polster asked why the public outreach meeting was cancelled.

Mr. Risinger stated that he would defer to the applicant on that question.

Dr. Rose inquired about the \$16,000 charge in addition to the cost of connecting to the public utility.

Mr. Doug Powell, General Manager, JCSA, stated that the \$16,000 is for the cost of the grinder pump. Mr. Powell further stated that in areas where the topography is not sufficient for the wastewater to flow naturally, a grinder pump is required to move the waste into the system.

Dr. Rose inquired if the topography of Busch Springs Road was of the nature that the residents would need a grinder pump if they connect to the public utility.

Mr. Powell stated that JCSA staff has determined that most, if not all, of the properties would need a grinder pump.

Dr. Rose inquired about the total cost of connecting to the public utility.

Mr. Powell stated that it would be roughly \$26,000.

Ms. Null stated that the total for one residence to connect to the public utility would average \$28,850. Ms. Null stated that this cost would be burdensome to most property owners. Ms. Null further stated that grinder pumps are notoriously unreliable and would have added repair costs.

Mr. O'Connor inquired about the maintenance of the grinder pumps.

Mr. Powell stated that the property owner is responsible for the maintenance. Mr. Powell further stated that if the grinder pump meets JCSA standards, the property owner can

purchase a maintenance contract from the JCSA. Mr. Powell stated that the cost is approximately \$400 per year and is prorated in the customer's monthly bill.

Mr. Polster inquired about the cost of the sewer line and the central well should the SUP be denied.

Mr. Powell stated that he did not have a cost estimate for the sewer line. Mr. Powell further stated that the cost of installing the sewer line would be the responsibility of the developer. Mr. Powell stated that the cost of installing a central well is approximately \$2 - 2.5 million.

Mr. Polster inquired if the cost of the sewer line would be roughly the same.

Mr. Powell stated that he could not give an accurate answer.

Mr. O'Connor requested clarification of the JCSA limit of 49 units.

Mr. Powell stated that JCSA policy requires a central well above 49 units.

Mr. Mike Youshock, JCSA Chief Engineer, stated that over 49 units a loop system is required and in this case, there is not enough room to construct the loop. Mr. Youshock further stated that for systems over 50 units a central lift station is required.

Mr. Polster requested further clarification on the requirement for a central well.

Mr. Youshock stated that the central well is for development outside the Primary Service Area (PSA). Mr. Youshock further stated that if the waterline is not approved the development will be required to have a central well.

Mr. Youshock confirmed that the cost to install the central well is approximately \$2.5 million.

Mr. Polster inquired about the financial impact on the JCSA when taking on operation and maintenance of the central well.

Mr. Youshock stated that the operational costs create a negative financial impact on the JCSA.

Mr. Steve Rodgers requested that the JCSA summarize the requirement for the central well and the responsibility for installation and maintenance.

Mr. Powell stated that to clarify the response about the sewer line, the gravity system would be required for a development with 50 or more dwelling units. Mr. Powell stated that if there is a central well, it is the developer's responsibility to construct it; once constructed, it is turned over to the JCSA for operation and maintenance.

Mr. Rodgers inquired which was more expensive to operate - the waterline or a central well.

Mr. Powell stated that the central well was more expensive because there were no economies of scale. Mr. Powell further stated that the JCSA operates approximately eight independent systems and all of those lose money.

Dr. Rose inquired how many properties along Bush Springs road might eventually need to connect to the public water and sewer.

Mr. Risinger stated that it is approximately 40 properties; however, not all of the properties have dwelling units on them.

Mr. O'Connor re-opened the Public Hearing.

Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, made a presentation to the Commission regarding updates to the application.

Dr. Rose requested confirmation that the estimated cost to install a septic system appears to run between \$8-14 thousand.

Mr. Geddy confirmed.

Dr. Rose asked Mr. Geddy to clarify what the benefits would be to the community.

Mr. Geddy stated that extension of the water and sewer lines would be a benefit for someone who has an irreparable failure of a well or septic field. Mr. Geddy noted that the availability of public water and sewer may also increase property value.

Mr. Polster noted that the developer's cost for the central well is roughly \$2.5 million. Mr. Polster inquired if the cost of other work and equipment such as installation of a grinder pump.

Mr. Geddy stated that it was just the cost of the central well.

Mr. Polster inquired about the total cost of installing everything.

Mr. Epstein stated that his goal is to preserve the trees which is why he prefers not to develop the property with a central well and septic fields. Mr. Epstein confirmed the cost of the central well and further stated that density will have to increase if a central well is installed in order to equalize the cost over the number of units. Mr. Epstein further stated that the cost of a grinder pump is \$8,000. Mr. Epstein stated that the property will be developed no matter what; it can be developed with the benefits of less density and environmental protections with the extension of water and sewer or with a central well resulting in higher density and no benefit of improved property value or fire and life safety benefits with fire hydrants and more attention to the area.

Mr. Polster stated that he was looking for the total cost per lot.

Mr. Epstein stated that it would be around \$60,000 per lot.

Mr. Geddy noted that if developed by-right right the number of lots would increase to approximately 90. Mr. Geddy further noted that there would be no need for the grinder pump without the public sewer. Mr. Geddy noted that there would be a cost per lot for the septic fields.

Mr. Polster inquired about the cost to install the water and sewer extension.

Mr. Epstein stated that it would be \$1.8 million.

Mr. Polster noted that the water and sewer extension would be a cost savings.

Mr. Polster stated that he has concerns about the financial impacts for the existing community where many of the wells and drain fields are older and may be at the end of useful life.

Ms. Null noted that, per Mr. Powell's email, property owners could repair failed wells or septic systems but could not drill a new well or install a new drain field.

Mr. Geddy stated that the JCSA could exercise its discretion regarding connections or there

could be an SUP condition specifically prohibiting connection.

Dr. Rose inquired what the average home cost would be for the new development.

Mr. Epstein stated that it would be a minimum of \$500,000.

Dr. Rose requested confirmation of the connection cost for the existing homes on Bush Springs Road.

Mr. Epstein stated that a repaired drain field would be approximately \$14,000 and the connection to the force main would be \$9,000 plus the cost of the tap fee of \$5,000. Other costs would be the installation of pipes to the home and the abandonment of the existing well and drain field.

Mr. Rodgers inquired about the developer's responsibility for repair of damages to existing septic systems.

Mr. Geddy stated that it would be for damage to a septic system which encroaches in the VDOT right-of-way (ROW).

Dr. Rose inquired if there has been any consideration of paying for the Bush Springs Road residents to connect to the public water and sewer.

Mr. O'Connor stated that citizen comments from the last meeting have been recorded among the Minutes for that meeting; however, if anyone who previously spoke has new information, they are welcome to speak at this meeting.

Mr. Jonathan Lemmons, 164 Bush Springs Road, addressed the Commission in opposition to the project.

Mr. Jimmy Smith, 206 Bush Springs Road, addressed the Commission with concerns about the project.

Mr. Charles Brantley, 220 Bush Springs Road, addressed the Commission with concerns about the project.

Ms. Deanna Kubik, 168 Bush Springs Road, addressed the Commission with concerns about the project.

Mr. Clovis Braxton, 230 Bush Springs Road, addressed the Commission with concerns about the project.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission,

Mr. Krapf stated that he has concerns about the application. Mr. Krapf stated that if this were only a small portion of property outside the PSA, he would not be concerned; however, this parcel is significantly large. Mr. Krapf stated that prior requests to extend the PSA to the property have been denied. Mr. Krapf stated that he has concerns about setting precedents to extending water and sewer outside the PSA based on the environmental benefits of the project. Mr. Krapf stated that if an applicant intends to develop a parcel outside the PSA by-right, then the County must rely on the Comprehensive Plan to have those parameters appropriately established. Mr. Krapf further stated that if this SUP is approved, it runs with the land and could potentially create an extension to the 81 acres should the property be sold to

someone with different development intentions. Mr. Krapf also expressed concern over the existing road infrastructure. Mr. Krapf stated that he is not inclined to support the application.

Mr. Polster stated that the Commission considered a Land Use application for this property during the Comprehensive Plan review and denied the application. Mr. Polster stated that he feels strongly that there was insufficient dialog with the community. Mr. Polster noted that the concerns voiced by the community still have not been addressed. Mr. Polster stated that another concern is the road infrastructure. Mr. Polster stated that the developer is relying on VDOT to prioritize and implement road improvement. Mr. Polster further stated that he is concerned about the financial impact to the community if required due to failure of a well or drainfield, to connect to the water and sewer line. Mr. polster stated that there is still no clarity on the costs to the citizens. Mr. Polster stated that he is not supportive of the application due to the potential impact on the community.

Ms. Null stated that she is very concerned about the impact of constructing the water and sewer line because the road is so narrow. Ms. Null further stated that it is not in keeping with the Comprehensive Plan to extend water and sewer outside the PSA. Ms. Null stated that she is hesitant to disrupt and inconvenience the community with possible financial burdens and limited use of the road during installation of the water and sewer lines. Ms. Null stated that she will not support the application.

Dr. Rose stated that what has been impressed on him is the difficulty in determining what is right for the property without considering the broader issues. Dr. Rose stated that he realizes the property will be developed; however, it seems to be a poorly considered plan to develop it without making plans to improve Bush Springs Road. Dr. Rose stated that, he also, is unwilling to see the existing community. Dr. Rose stated that he is supportive of building low carbon foot print development; however, he is unable to support this application.

Mr. Rodgers stated that he did review the video of the previous meeting. Mr. Rodgers stated that he concurs with everything stated that other Commissioner have mentioned. Mr. Rodgers stated that by enforcing the PSA, it focuses development in correct area and preserves the character of the County. Mr. Rodgers stated that this would not be just a small encroachment in the PSA. Mr. Rodgers stated that he is not able to support the application.

Dr. Rose noted that by building at the end of Bush Springs Road, it is not just disrupting the neighborhood but making it a pass through.

Mr. Haldeman stated that building homes does not appear to be in the best interest of the entire County, not just the existing neighborhood. Mr. Haldeman stated that it impacts the design standards of Toano and will add to the growing traffic budens. Mr. Haldeman stated that this is a a parcel outside the PSA is zoned to accommodate residential development. Mr. Haldeman stated that there will be these contradictory cases until the Zoning Ordinance is updated to address such situations. Mr. Haldeman stated that he is not supportive of the application.

Mr. O'Connor stated that he stated that he agrees that the road is a challenge and there is no requirement for the applicant to make improvements. Mr. O'Connor stated that he struggles with the thought that with the SUP, there would be half the number of homes impacting traffic on the road. Mr. O'Connor stated that the only reason he is somewhat supportive is because of that aspect. Mr. O'Connor stated that he does have concerns about what would happen if the property changed hands and even more homes were developed. Mr. O'Conor inquired if an SUP condition could be developed to limit t he number of homes. Mr. O'Connor stated that for him it is the choice of what will be the lesser impacts.

Mr. Polster and mr. Krapf stated that they spoke with Mr. Geddy prior to the meeting.

There were no other disclosures for this meeting.

Mr. Krapf made a motion to recommend denial of the application.

On a roll call vote, the Commission voted to recommend denial of SUP-21-0023. Bush Springs Road Extension of Water and Sewer Facilities. (6-1)

G. PLANNING COMMISSION CONSIDERATIONS

1. Planning Commission and Board of Zoning Appeals 2021 Annual Report

Mr. Holt stated that the Planning and Board of Zoning Appeals (BZA) Annual Report for 2021, which summarizes the work of the Commission and the BZA has been included in the Agenda materials for the Commission's consideration.

Mr. Holt requested a motion to accept the Annual Report for 2021. Mr. Holt noted that once the BZA considers the Annual Report, it will be forwarded to the Board of Supervisors.

Mr. Haldeman made a motion to accept the Annual Report for 2021.

On a voice vote, the Commission voted to accept the Planning and Board of Zoning Appeals (BZA) Annual Report for 2021. (7-0)

H. PLANNING DIRECTOR'S REPORT

1. Planning Director's Report - March 2022

Mr. Holt stated that a draft calendar for 2022-2023 has been provided for the Commission's review. Mr. Holt stated that there might be some small changes to deadlines depending on how those deadlines fall in relation to holidays. Mr. Holt requested that the Commission let him know if there are any questions or concerns about the proposed calendar. Mr. Holt stated that the 2022-2023 calendar would be presented for adoption at the Organizational Meeting on March 14, 2022.

Mr. Holt stated that, as most of the Commission knows, the County is developing a Natural and Cultural Assets Plan that will help identify, evaluate, and prioritize the County's highest value natural resources and cultural assets, and identify opportunities to protect and restore them. Mr. Holt stated that as part of that effort, the County is asking the Community to help review the draft maps of the County's natural and Cultural assets. Mr. Holt noted that the maps include habitat cores, agriculture, forestry, water, recreation, and heritage and cultural resources. Mr. Holt noted that this outreach may also capture resources that are not already on the maps. Mr. Holt stated that the Community is encouraged to participate in the survey either online or via paper copies at the James City County Library.

Mr. Polster noted that there are several short-term rental Conceptual Plans listed on the New Cases Spreadsheet. Mr. Polster inquired if the County Attorney would address the potential for having a sunset clause on short-term rental SUPs.

Mr. Adam Kinsman, County Attorney, stated that it is his opinion that SUPs run with the property and cannot be tied to a particular property owner except in exceptional circumstances where you have a truly temporary use such as a borrow pit.

Mr. Polster stated that his understanding from Mr. Max Hlavin is that it might be possible.

Mr. Kinsman stated that there is a split opinion among local government attorneys on whether sunset clauses are acceptable. Mr. Kinsman stated that legislation brought before the General Assembly specifically seeking to permit sunset clauses has failed which would indicate that the General Assembly does not support the option.

Mr. Kinsman stated that while a BZA can issue an SUP with a sunset clause, the Board of Supervisors cannot. Mr. Kinsman stated that this may be because a BZA is a quasi-judicial body while the Board of Supervisors is not.

Mr. O'Connor inquired if there was a Development Review Committee meeting prior to the March 14, 2022 meeting.

Staff determined that the DRC would not meet prior to the Organizational Meeting.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Dr. Rose commented that it would have been prudent for the developer to put funds aside in trust to be used when a resident on Bush Springs Road was required to connect to public water and sewer and raise the price of each home sold to cover it.

Mr. Kinsman stated that he would not recommend that the Planning Commission or the Board of Supervisors make that a condition of approval; however, there would be no difficulty if the developer chose on his own to do so.

The Commission discussed thoughts on whether the project would be successful without the extension of water and sewer and what the project might look like if the area were developed by-right.

Mr. O'Connor stated that he had coverage of the Board of Supervisors meeting for March.

J. ADJOURNMENT

Mr. Krapf made a motion to adjourn to March 14, 2022 at 6 p.m.

The meeting was adjourned at approximately 8:14 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chair

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Secretary

SUBJECT: Minutes of the March 14, 2022 Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes of the March 14, 2022 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/29/2022 - 2:02 PM
Planning Commission	Holt, Paul	Approved	3/29/2022 - 2:03 PM
Publication Management	Pobiak, Amanda	Approved	3/29/2022 - 2:24 PM
Planning Commission	Holt, Paul	Approved	3/29/2022 - 2:24 PM

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
March 14, 2022
6:00 PM

A. CALL TO ORDER

Mr. O'Connor called the meeting to order at 6:00 PM

B. ROLL CALL

A motion to Approve was made by Tim O'Connor, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Planning Commissioners Present:

Tim O'Connor

Rich Krapf

Jack Haldeman

Frank Polster

Barbara Null

Steve Rodgers

Planning Commissioners Participating Remotely:

Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning

Terry Costello, Senior Planner

Mr. Holt stated that Dr. Rob Rose has requested to participate in the meeting remotely from Naples, Florida due to family matters. Mr. Holt noted that pursuant to the Commissions policies and consistent with State Code, the Commission members present must approve the remote participation by majority vote.

On a voice vote the Commission approved the remote participation.

Dr. Rob Rose joined the meeting.

1. Annual Organizational Meeting - Election of Officers

A motion to Approve was made by Rich Krapf, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Mr. O'Connor called for nomination for Chair.

Mr. Rich Krapf nominated Mr. O'Connor.

There were no other nominations for Chair.

On a voice vote, the Commission elected Mr. O'Connor as Chair. (7-0)

Mr. O'Connor called for nominations for Vice Chair.

Mr. Jack Haldeman nominated Mr. Polster for Vice Chair.

There were no other nominations for Vice Chair.

On a voice vote, the Commission elected Mr. Polster as Vice Chair. (7-0)

2. Annual Organizational Meeting - Proposed Calendar for 2022-2023

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Mr. Holt stated that there have been no changes to the calendar that was provided to the Commission at the March 2, 2022, meeting. Mr. Holt further stated that staff recommends that the Commission adopt the calendar.

Mr. Haldeman made a motion to adopt the Calendar.

On a voice vote, the Commission adopted the meeting Calendar for 2022-2023. (7-0)

C. PUBLIC COMMENT

Mr. O'Connor opened Public Comment.

As no one wished to speak, Mr. O'Connor closed Public Comment.

D. REPORTS OF THE COMMISSION

There were no reports from the Development Review Committee or the Policy Committee.

E. CONSENT AGENDA

There were no Consent Agenda items.

F. PUBLIC HEARINGS

1. Fiscal Year 2023-2027 Capital Improvements Program

A motion to Approve was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Ms. Terry Costello, Senior Planner, stated that after a series of meetings to discuss and evaluate this year's Capital Improvements Program (CIP) requests, the Policy Committee is forwarding its recommendations for the Fiscal Year (FY) FY 2023 thru FY 2027 CIP to the Planning Commission for consideration.

Ms. Costello stated that a total of 31 projects were submitted: 25 from County departments, three from Williamsburg Regional Library (WRL), and three from Williamsburg-James City County Schools (WJCC Schools). Ms. Costello stated that of the 31 projects submitted, 26 County projects, two WRL, and three WJCC Schools projects were included in the previous 5-year CIP budget.

Ms. Costello stated that Policy Committee members used a standardized set of ranking criteria to prioritize each application. Ms. Costello stated that individual Committee member scores were used as well as Z-scores which describe the position of a raw score in terms of its distance from the mean, when measured in standard deviation units to determine the final ranking.

Ms. Costello stated that at its March 2, 2022, meeting, the Policy Committee voted unanimously to forward the following priorities to serve as a recommendation to the Planning Commission and the Board of Supervisors:

1. Stormwater Capital Improvement Program
2. Transportation Match
3. Lower County Park
4. Business Ready Sites Program
5. Covered Parking for Specialty Vehicles & Trailers
6. Human Services Center Renovations
7. New Grove Area Library
8. Chickahominy Park RV Storage
9. James City County Marina Phase 2
10. Open Space Match
11. Chickahominy Park Paddlecraft Area
12. Chickahominy Park Multiuse Trail
13. Pre-K Space
14. Greensprings Interpretive Trail Restrooms
15. Upper County Park Paving & Multiuse Trail
16. LHS School Renovations
17. Chickahominy Park Campground Improvements
18. JCC Marina Bathhouse Facilities
19. Jamestown Beach Event Park Improvements
20. Upper County Park Splash Pad
21. General Services Administration Building.
22. Baseball Field Expansion
23. Freedom Park Phase IV - Active Recreation Facilities
24. Veterans Park Phase 2 Improvements
25. Chickahominy Park Bathhouse Facilities
26. James City County (JCC) Marina Parking Area
27. Jamestown High School (JHS) Cafeteria School Expansion
28. Warhill Sports Complex Connector Road.
29. Chickahominy Park Connector Road
30. New James City County Library Branch/New Joint Library
31. James City County Library Playground
32. Curbside Recycling Billing System

Ms. Costello stated that staff recommends that the Planning Commission recommend approval of these priorities to the Board of Supervisors for consideration during the budget process.

Ms. Betsey Fowler, Director, WRL, made a presentation to the Commission on the proposed WRL projects.

Ms. Null requested that Ms. Fowler clarify Option 1 and inquired if this was the facility proposed for the Grove area.

Ms. Fowler stated that this is not the facility proposed for Grove. Ms. Fowler further stated that Option No.1 is for a large facility located in a commercial corridor. Ms. Fowler stated that a location has not been determined.

Ms. Null stated that a good location might be where the two areas of highest use are located.

Ms. Fowler stated that over the years, libraries have evolved from the traditional concept to an urban hub which includes meeting space, learning areas, and performance space. Ms. Fowler stated that the new libraries are vibrant places for the community. Ms. Fowler noted that this

library would need to be in a visible location and be constructed to draw users to it.

Mr. Haldeman asked whether the capital cost to the County for Option No. 2 would, in fact, be lower.

Ms. Fowler stated that it is possible, depending on what is negotiated.

Mr. O'Connor opened the Public Hearing.

As no one wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Polster noted that the final slide in the WRL presentation should be included in the information forwarded to the Board of Supervisors.

Mr. Polster stated that the note the Policy Committee recommended is "the Planning Commission does not support a stand-alone facility but does support a collocated facility with either the New Lower County Park or the current Abram Frink Community Center and James River Elementary School to continue its outreach programs to the community."

Mr. Polster stated that the Policy Committee discussed the request for matching funds for open space acquisition and decided to move this higher in the list of priorities. Mr. Polster stated that Virginia Land Conservation Foundation which evaluates greenspace for matching points includes criterion that references the Conserve Virginia mapping tools and that criterion from the Conserve Virginia mapping tools and that the Natural and Cultural mapping projects will provide an update for the Conserve Virginia Geographic Information System (GIS) tools. Mr. Polster further stated that Natural and Cultural mapping tools will provide criterion that will help the County evaluate properties for the Purchase of Developments Right program and greenspace match.

Mr. Polster stated that the Policy Committee further recommended including a note that "the Planning Commission agrees that a new or expanded library facility is needed, but the decision on the location rests with the Board of Supervisors."

Mr. Polster stated that regarding the new playground at the library facility on Croaker Road, the Policy Committee recommended including a note that "the Friends of the Williamsburg Regional Library are funding the design and construction; however, because it is on County property the County will be responsible for staffing and maintenance."

Mr. Polster stated that in the discussion on the Business Ready Sites, two privately owned parcels were discussed; however, the property owners have not been contacted to determine if they are interested in participating in the program. The Committee recommended that the property owners be contacted to determine their interest in participating before the Board of Supervisors approves funding.

Mr. Haldeman stated that even though he recognizes the need for more library facilities, it is difficult to rank any of the projects without having clarity on location, cost, and the division of financial responsibility.

Mr. Haldeman further stated that he would like to recommend that the Board of Supervisors study the possibility of aggregating these projects to full fund a number of them at one time. Mr. Haldeman noted that with the County's AAA rating it can borrow money at the fixed rate of 2% for 30 years. Mr. Haldeman stated that he believes there would be a substantial saving when factoring in ever increasing design and construction costs.

Mr. Haldeman requested that the Commission move the Open Space Match request higher in the rankings. Mr. Haldeman stated that he ranked the project as his No. 4 priority.

Mr. Krapf stated that he has the open space match as No. 3 on his priority list. Mr. Krapf further stated that he agreed to move it to a lower priority was due to the Initiating Resolution to consider an Ordinance amendment to make the by-right development in rural lands one dwelling unit per 20 acres. Mr. Krapf stated that he felt that tool could slow growth; however, with the Open Space Match, it allows the County to leverage additional funding.

Mr. Krapf inquired if by aggregating funding, it meant fully funding the project on the front end.

Mr. Haldeman stated that he would like to recommend to the Board to look at projects to determine if it is beneficial to fund on the front end by borrowing the money and whether it would be a cost savings.

Mr. O'Connor stated that he would support including this item as a suggestion in the Minutes.

The Commission discussed moving the Open Space Match up on the priority list to be No. 8..

Mr. Haldeman made a motion to recommend approval of the FY 2023-2027 CIP as amended and with the notes from the Policy Committee.

On a roll call vote, the Commission voted to recommend approval of the Fiscal Year 2023-2027 Capital Improvements Program as amended and with the notes from the Policy Committee.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for consideration.

H. PLANNING DIRECTOR'S REPORT

Mr. Holt stated that there was no Planning Director Report for this meeting.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman expressed appreciation for Ms. Costello's efforts in presenting the CIP materials to the Commission.

Mr. O'Connor noted that Z-21-0012/ MP 21-0003. Proffer and Master Plan Amendment for Ford's Colony (Ford's Village) was deferred to the April 12, 2022, Board of Supervisors Meeting.

Mr. O'Connor further noted that the Board adopted an Initiating Resolution to revise the R-8 and A-1 Zoning Districts to set lot sizes to be consistent with the stated Rural Lands designation description and development standards.

Mr. O'Connor stated that the Board also requested that staff begin researching how to address density on developable area.

Mr. Krapf stated that he would like to have the New Cases Spreadsheet linked on the Planning web page so that citizens can easily find information on upcoming cases.

J. ADJOURNMENT

A motion to Adjourn was made by Jack Haldeman, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Haldeman, Krapf, Null, O'Connor, Polster, Rodgers, Rose

Mr. Haldeman made a motion to adjourn.

The meeting was adjourned at approximately 6:59 p.m.

Paul D. Holt, III, Secretary

Tim O'Connor, Chair

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Development Review Committee Action Item: SP-19-0001. Powhatan Terrace

Mr. Stephen Romeo of Vanasse Hangen Brustlin, Inc. (VHB, Inc.) has submitted a Site Plan for the installation of utilities, entrance features, and signs within the 150-foot buffer along the frontage of 1676 and 1678 Jamestown Road, and 180 Red Oak Landing Road.

Reason for DRC Review: Proffer No. 5 (James City County Case No. Z-0007-2007) requires DRC approval of entrance features, signs, and utilities within the 150-foot buffer along the property's frontage with Jamestown Road.

[LINK](#) to the DRC Staff Report and Exhibits.

On March 30, 2022 the DRC recommended approval by a vote of 3-0.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2022 - 9:51 AM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 9:51 AM
Publication Management	Daniel, Martha	Approved	3/30/2022 - 10:31 AM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 10:32 AM

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Development Review Committee Action Item: C-22-0021. 3341 Chickahominy Road Overhead Utility Waiver

CC & F Construction, LLC has requested a waiver to Section 24-200(c) of the Zoning Ordinance to permit an overhead power line connection to a single-family home.

Reason for DRC Review: Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. The applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC as described in Section 24-200(c) of the Zoning Ordinance.

[LINK to DRC Staff Report and Exhibits](#)

On March 30, 2022 the DRC recommended approval by a vote of 3-0.

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2022 - 9:51 AM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 9:52 AM
Publication Management	Pobiak, Amanda	Approved	3/30/2022 - 10:47 AM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 10:47 AM

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: John Risinger, Planner

SUBJECT: SPLN-21-0001. Stonehouse Land Bay 5

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	1. Cover Sheet and Overall Development Plan	Backup Material
☐	2. Outstanding Comments	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:42 PM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:42 PM
Publication Management	Daniel, Martha	Approved	3/30/2022 - 3:48 PM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:48 PM

SPLN-21-0001. Stonehouse Land Bay 5**Staff Report for the April 6, 2022, Planning Commission Meeting****SUMMARY FACTS**

Applicant: William Felts, LandTech Resources Inc.

Land Owner: SCP-JTL STONEHOUSE OWNER 1, LLC

Proposal: 116 single-family dwellings and 64 multifamily dwellings

Locations: 9354 Fieldstone Parkway
9360 Fieldstone Parkway
9370 Fieldstone Parkway
9420 Fieldstone Parkway
9101 Six Mount Zion Road

Tax Map/Parcel Nos.: 0440100025
0440100030
0530100009
0530100003
0540100002

Project Acreage: ± 72.154 acres

Current Zoning: PUD-R, Planned Unit Development
Residential

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

Staff Contact: John Risinger, Planner

REASON FOR PLANNING COMMISSION REVIEW

Section 19-23 of the Subdivision Ordinance requires Planning Commission review for all major subdivisions with 50 or more lots.

PUBLIC HEARING DATES

Planning Commission: April 6, 2022, 6:00 p.m.

FACTORS FAVORABLE

1. The proposal is compatible with surrounding development.
2. Staff finds the proposal consistent with the 2045 Comprehensive Plan: *Our County, Our Shared Future*.
3. Subject to the submittal of revised plans and documents addressing the outstanding plan review comments, this proposal is consistent with the adopted Stonehouse Master Plan and proffers.

FACTORS UNFAVORABLE

1. No factors unfavorable.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant Stonehouse Land Bay 5 preliminary subdivision approval subject to agency comments.

PROJECT HISTORY

Stonehouse Land Bay 5 is subject to the amended Stonehouse Master Plan and proffers approved by the Board of Supervisors on November 12, 2019. In accordance with the Master Plan, a total of 180 dwelling units are permitted within Land Bay 5.

PROJECT DESCRIPTION

This proposal is for a total of 180 residential dwelling units. This includes 116 single-family dwellings and 64 multifamily dwellings.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Staff Report for the April 6, 2022, Planning Commission Meeting

SURROUNDING ZONING AND DEVELOPMENT

The properties immediately adjacent to Land Bay 5 are zoned PUD-R, Planned Unit Development Residential and PUD-C, Planned Unit Development Commercial, and designated Mixed Use and Low Density Residential on the Comprehensive Plan. Properties south of Route 30 are zoned B-1, General Business and EO, Economic Opportunity, and designated Mixed Use and Economic Opportunity on the Comprehensive Plan.

PUBLIC IMPACTS

- Anticipated impact on public facilities and services: Subject to the submittal of revised plans addressing the outstanding plan review comments.
- Anticipated impact on environmental, cultural, and historic resources: Subject to the submittal of revised plans addressing the outstanding plan review comments.
- Anticipated Land Use impact on nearby and surrounding properties: Subject to the submittal of revised plans addressing the outstanding plan review comments.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission grant Stonehouse Land Bay 5 preliminary subdivision approval subject to agency comments.

JR/ap
SPLN21-1_StnhsLndBy5

Attachments:

1. Cover Sheet and Overall Layout Sheet
2. Outstanding Comments

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SUBDIVISION PLAN
FOR

STONEHOUSE
VIRGINIA

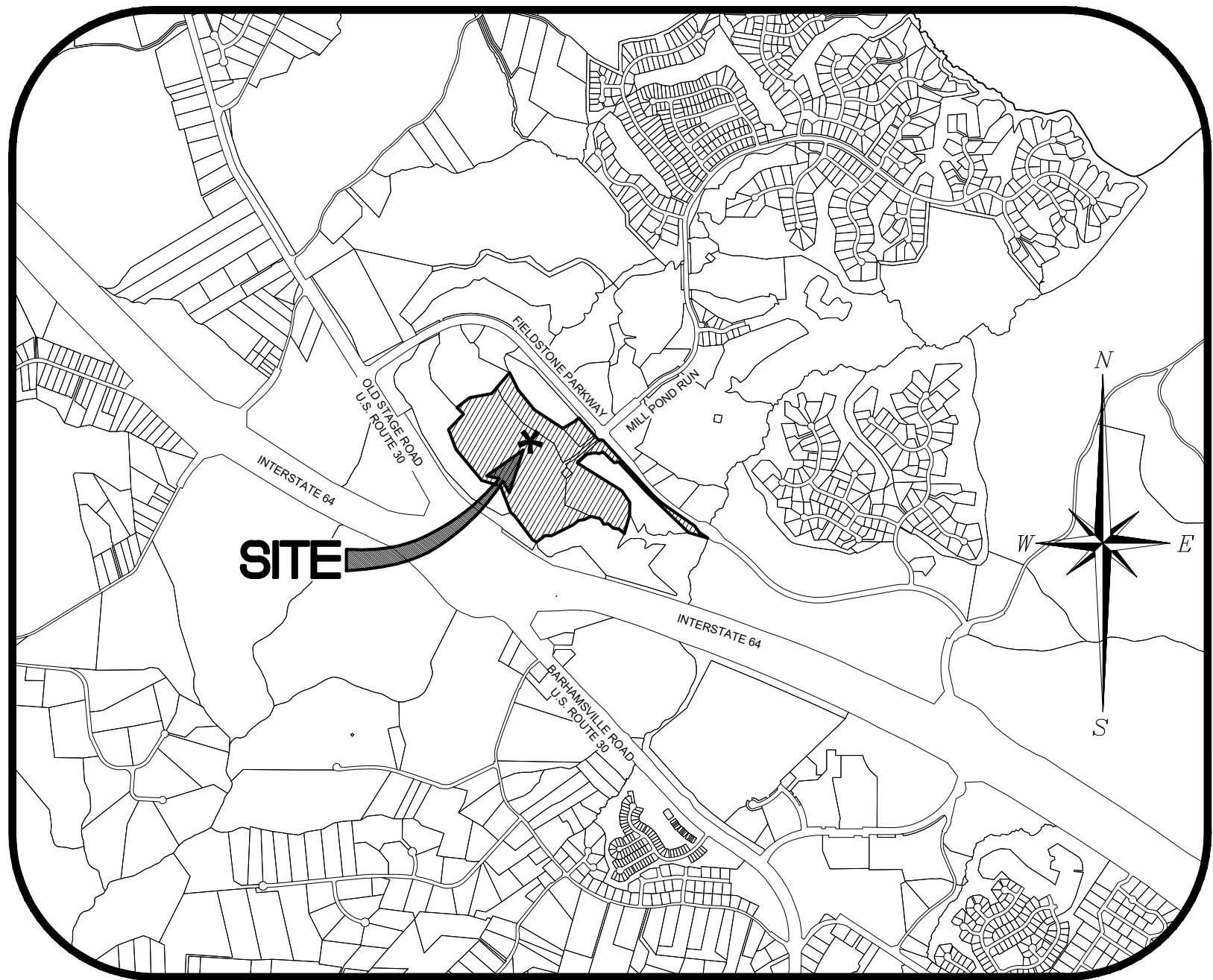
LAND BAY 5

JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA
JCC SPLN-21-0001

ALL WORK IS TO BE OBSERVED BY A QUALIFIED LICENSED PROFESSIONAL. BONDS AND SURETY WILL NOT BE RELEASED UNTIL RECORD DRAWINGS AND CONSTRUCTION CERTIFICATIONS ARE PROVIDED TO AND APPROVED BY THE J.C.C. ENGINEERING AND RESOURCES PROTECTION DIVISION THAT ARE CONSISTENT WITH THE STORMWATER MANAGEMENT / BMP FACILITIES RECORD DRAWING AND CONSTRUCTION CERTIFICATION FORMS.

GENERAL NOTES:

1. SITE IS CURRENTLY ZONED PUD-R (PLANNED UNIT DEVELOPMENT – RESIDENTIAL).
2. CURRENT SITE ADDRESS: 9354 FIELDSTONE PARKWAY, TOANO, VA, 23168.
3. NO AREAS WITH AN ELEVATION LESS THAN FOUR FEET ABOVE MEAN SEA LEVEL EXIST ON SITE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING MISS UTILITY (1-800-552-7001) FOR EXISTING UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION.
5. THE CONTRACTOR SHALL SATISFY THEMSELVES TO ALL EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION.
6. EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES.
7. ALL UTILITIES SHALL BE PLACED UNDERGROUND.
8. A LAND DISTURBING PERMIT AND SILTATION AGREEMENT, WITH SURETY, ARE REQUIRED FOR THIS PROJECT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THIS PROJECT.
10. THE PROFESSIONAL WHOSE SEAL IS AFFIXED HEREON SHALL ACT AS THE "RESPONSIBLE LAND DISTURBER" FOR PURPOSES OF PLAN APPROVAL ONLY. PRIOR TO ISSUANCE OF THE LAND DISTURBING PERMIT, THE OWNER OR DEVELOPER SHALL PROVIDE THE NAME OF A "RESPONSIBLE LAND DISTURBER" WHO SHALL ASSUME RESPONSIBILITY AS THE "RESPONSIBLE LAND DISTURBER" FOR THE CONSTRUCTION PHASE OF THE PROJECT. THE OWNER OR DEVELOPER SHALL PROVIDE WRITTEN NOTIFICATION SHOULD THE "RESPONSIBLE LAND DISTURBER" CHANGE DURING CONSTRUCTION.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF CONSTRUCTION EFFORTS WITH VIRGINIA NATURAL GAS, VIRGINIA POWER, C&P TELEPHONE, COX CABLE, JCSA, VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) AND OTHERS THAT MAY BE REQUIRED.
12. ALL CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM WITH THE CURRENT JAMES CITY COUNTY STANDARDS AND SPECIFICATIONS, VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE STANDARDS AND SPECIFICATIONS, VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS, AND ANY OTHER APPLICABLE COUNTY OR STATE ORDINANCES, CODES, AND LAWS PRIOR TO ANY CONSTRUCTION ACTIVITY.
13. PRIOR TO OBTAINING A LAND DISTURBING PERMIT, THE OWNER OR CONTRACTOR SHALL OBTAIN A VSPM PERMIT (VIRGINIA STORMWATER MANAGEMENT PROGRAM) FROM THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR THE DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES. THIS PERMIT WILL REQUIRE DAILY LOGS OF EARTHWORK, RECORDATION OF STORM EVENTS, LOSS OF MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AND OTHER ACTIONS DURING CONSTRUCTION.
14. NEITHER VDOT NOR JAMES CITY COUNTY ASSUME RESPONSIBILITY FOR MAINTENANCE OF THE DETENTION/RETENTION PONDS OR THEIR STRUCTURES, AND SHALL BE SAVED HARMLESS FROM ANY DAMAGE.
15. THE OWNER AND/OR CONTRACTOR RESERVES THE RIGHT AND PRIVILEGE TO ENHANCE, AUGMENT, REPAIR, REPLACE OR DUPLICATE THE EROSION AND SEDIMENT CONTROL MEASURES AS OUTLINED ON THESE PLANS OR AS SPECIFIED IN THE LATEST EDITIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, AND TO REINFORCE THOSE MEASURES AS SPECIFIED ON THESE PLANS, DUE TO UNSEASONABLE WEATHER CONDITIONS OR DUE TO CHANGE IN FIELD CONDITIONS AS WARRANTED BY THE OWNER/CONTRACTOR. ANY CHANGE OR ALTERATION TO THE EROSION AND SEDIMENT CONTROL PLAN SHALL NOT BE PERFORMED WITHOUT THE WRITTEN PERMISSION OF THE JAMES CITY COUNTY EROSION CONTROL INSPECTOR.
16. STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP) CONFORMING TO ASTM C76, CLASS III, 8 WALL THICKNESS, TONGUE AND GROOVE, OR SMOOTH WALL INTERIOR N-12 HIGH-DENSITY POLYETHYLENE PIPE (HDPE) CONFORMING TO ASTM F2648, UNLESS OTHERWISE DESIGNATED. RCP SHALL BE USED IN ALL LOCATIONS UNDER CURB AND GUTTER UNLESS OTHERWISE NOTED ON THE PLANS. RCP PIPE BEDDING SHALL BE IN ACCORDANCE WITH VDOT PB-1 AND MANUFACTURER SPECIFICATION/GUIDELINES. ALL HDPE PIPE BEDDING, BACKFILLING AND INSTALLATION SHALL BE IN ACCORDANCE WITH ASTM D2321. ALL CONNECTIONS OF HDPE PIPES TO MANHOLES OR INLETS SHALL BE WITH KOR-N-SEAL BOOT OR AN APPROVED ASTM C932 EQUAL.
17. STORM STRUCTURES SHALL CONFORM TO THE CURRENT VDOT ROAD AND BRIDGE STANDARDS AND VDOT SPECIFICATIONS. ALL MANHOLES SHALL INCLUDE INLET SHAPING (IS-1) AND MANHOLES DEEPER THAN 4 FEET SHALL HAVE STEPS (ST-1). PIPE BEDDING SHALL BE IN ACCORDANCE WITH VDOT PB-1 AND MANUF. SPECS/GUIDELINES.
18. ALL EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
19. ANY EXISTING ON-SITE ABOVE GROUND UTILITIES REQUIRING RELOCATION FOR ANY REASON SHALL BE REMOVED AND PLACED UNDERGROUND. IN THE EVENT THE PROJECT IMPACTS EXISTING OFF-SITE ABOVE GROUND UTILITIES AND NECESSITATES THEIR RELOCATION ONTO THE DEVELOPMENT SITE, SUCH UTILITIES SHALL BE PLACED UNDERGROUND. THE DEVELOPER/CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED FOR REMOVAL AND PLACEMENT OF ALL UTILITIES.
20. THE OWNER CAN SUBSTITUTE SIMILAR SIZE AND TYPES OF TREES AND SHRUBS BASED AVAILABILITY AT THE TIME OF PLANTING.
21. EASEMENTS DENOTED AS "JCSA UTILITY EASEMENTS" ARE FOR THE EXCLUSIVE USE OF THE JAMES CITY SERVICE AUTHORITY AND THE PROPERTY OWNER. OTHER UTILITY SERVICE PROVIDERS DESIRING TO USE THESE EASEMENTS WITH THE EXCEPTION OF PERPENDICULAR UTILITY CROSSINGS MUST OBTAIN AUTHORIZATION FOR ACCESS AND USE FROM JCSA AND THE PROPERTY OWNER. ADDITIONALLY, JCSA SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO IMPROVEMENTS WITHIN THIS EASEMENT, FROM ANY CAUSE.
22. ALL NEW SIGNS SHALL BE IN ACCORDANCE WITH ARTICLE II, DIVISION 3 OF THE JAMES CITY COUNTY ZONING ORDINANCE.
23. PRIVATELY OWNED UTILITIES (WATER, FIRE MAINS, SEWER LINES, ETC.) SHOWN ON THIS PLAN ARE REGULATED BY THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND ENFORCED BY THE CODE COMPLIANCE DIVISION. THESE PRIVATELY OWNED UTILITIES MUST COMPLY FULLY WITH THE INTERNATIONAL PLUMBING CODE, THE NATIONAL FIRE PREVENTION ASSOCIATED STANDARD 24, AND THE INTERNATIONAL FIRE CODE. CONTRACTORS WORKING FROM THIS SITE PLAN ARE CAUTIONED NOT TO INSTALL OR CONCEAL PRIVATELY OWNED SITE UTILITIES WITHOUT OBTAINING REQUIRED PERMITS AND INSPECTIONS.
24. LOCAL PLAN REVIEW AND INSPECTION FEES ARE REQUIRED FOR THIS PROJECT IN ACCORDANCE WITH CHAPTER 8, CHAPTER 19, CHAPTER 23, AND CHAPTER 24 OF COUNTY CODE.
25. A STANDARD DECLARATION OF COVENANTS – INSPECTION/MAINTENANCE AGREEMENT IS REQUIRED TO BE EXECUTED WITH THE COUNTY DUE TO THE PROPOSED STORMWATER CONVEYANCE SYSTEMS AND/OR STORMWATER MANAGEMENT/BMP FACILITIES ASSOCIATED WITH THIS PROJECT.
26. THE STORMWATER MANAGEMENT/BMP FACILITIES AND ASSOCIATED STORMWATER CONVEYANCE SYSTEMS AS PROPOSED FOR THIS PROJECT WILL REQUIRE SUBMISSION, REVIEW, AND APPROVAL OF A RECORD DRAWING (AS-BUILT) AND CONSTRUCTION CERTIFICATION PRIOR TO RELEASE OF THE POSTED BOND/SURETY. CONTRACTOR SHOULD INSURE THAT ALL APPLICABLE AS-BUILT INSPECTIONS AND RECORDS ARE KEPT BEFORE, DURING, AND AFTER CONSTRUCTION TO ENSURE THAT ALL COUNTY GUIDELINES HAVE BEEN MET.
27. EFFECTIVE JULY 1, 2014 THE COUNTY IS DESIGNATED A LOCAL VSPM AUTHORITY AND IS RESPONSIBLE TO ADMINSTRATE AND ENFORCE CERTAIN PROVISIONS OF THE STATE'S NON-POINT SOURCE POLLUTION PROGRAMS INCLUDING THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSPM) AND VPDES CONSTRUCTION GENERAL PERMIT PROGRAMS. REFER TO ARTICLE II OF CHAPTER 8 (EROSION AND SEDIMENT CONTROL AND VIRGINIA STORMWATER MANAGEMENT PROGRAM ORDINANCE OF THE COUNTY CODE.
28. SINCE THE DISTURBED AREA EXCEEDS 2,500 S.F. IT IS THE OWNERS RESPONSIBILITY TO REGISTER FOR COVERAGE UNDER THE STATE GENERAL VPDES PERMIT FOR DISCHARGE OF STORMWATER FROM CONSTRUCTION ACTIVITIES (VAR10) THROUGH THE LOCAL VSPM AUTHORITY. IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STATE WATER CONTROL BOARD AND THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, VISIT THE ENGINEERING AND RESOURCE PROTECTION DIVISION OR VIRGINIA DEQ WEBSITE FOR ADDITIONAL INFORMATION AND FORMS.
29. ALL OBJECTIONABLE AND DELETERIOUS MATERIALS ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A STATE APPROVED FACILITY MEETING THE REQUIREMENTS OF ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
30. THIS PROPERTY LIES WITHIN THE WARE CREEK WATERSHED, THEREFORE THE PROJECT IS SUBJECT TO THE 8 GOALS AND 21 PRIORITIES ASSOCIATED WITH THE WARE CREEK WATERSHED MANAGEMENT PLAN.
31. THIS PLAN IS DESIGNED TO THE HRPDC REGIONAL CONSTRUCTION STANDARDS 6TH EDITION AND THE JCSA DESIGN AND ACCEPTANCE CRITERIA, DATED MARCH 2020.
32. THIS SITE PLAN REFERENCES JCC CASE NO. MP-18-0002, Z-18-0002, AND Z-19-0010, WITH PROFFERS.
33. HORIZONTAL DATUM – NAD83 VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE
VERTICAL DATUM – NAVD88 VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE



VICINITY MAP SCALE: 1"=2000'

SUBMITTAL DATE: MARCH 22, 2021

SHEET INDEX:

<u>SHEET NUMBER:</u>	<u>SHEET TITLE:</u>
C1.0	COVER SHEET
C2.0	EXISTING CONDITIONS & ENVIRONMENTAL INVENTORY PLAN
C3.0	PHASE 1 EROSION & SEDIMENT CONTROL PLAN
C3.1 - C3.2	PHASE 2 EROSION & SEDIMENT CONTROL PLAN
C4.0	OVERALL DEVELOPMENT PLAN
C4.1 - C4.4	PRELIMINARY PLAN
C5.0	OVERALL SITE LAYOUT AND UTILITY PLAN
C5.1 - C5.4	SITE LAYOUT AND UTILITY PLANS
C6.0	OVERALL GRADING AND DRAINAGE PLAN
C6.1 - C6.4	GRADING AND DRAINAGE PLANS
C7.0	SITE LAYOUT AND GRADING ENLARGEMENT DETAILS
C8.0 - C8.2	ROAD AND UTILITY PROFILES
C9.0 - C9.1	SANITARY SEWER PROFILES
C9.2	SANITARY AND STORM SEWER PROFILES
C10.0 - 10.3	STORMWATER MANAGEMENT PLAN, SECTIONS, AND NOTES & DETAILS
C11.0	EROSION AND SEDIMENT CONTROL NOTES & DETAILS
C11.1	VDOT GENERAL NOTES AND DETAILS
C11.2	GENERAL NOTES AND DETAILS
C11.3	ENTRANCE MONUMENT DETAILS
DA1.0	PRE-DEVELOPMENT DRAINAGE AREA MAP
DA1.1	POST-DEVELOPMENT DRAINAGE AREA MAP (BMP OVERALL)
DA1.2	POST-DEVELOPMENT DRAINAGE AREA MAP (BMP)
DA1.3	POST-DEVELOPMENT DRAINAGE AREA MAP (STORM SEWER)
LA1.0	OVERALL PLANTING & LANDSCAPE SHEET LAYOUT
LA1.1	STREET TREE & STREET LIGHTING PLAN 'A'
LA1.2	STREET TREE & STREET LIGHTING PLAN 'B'
LA1.3	STREET TREE & STREET LIGHTING PLAN 'C'
LA1.4	STREET TREE & STREET LIGHTING PLAN 'D'
LA1.5	TYPICAL 4-UNIT & 5-UNIT PLANTING PLANS
LA1.6	TYPICAL 6-UNIT PLANTING & ENTRANCE PLAN
LA1.7	PLANTING NOTES & DETAILS
LA1.8	LIGHTING NOTES & DETAILS

STATISTICAL INFORMATION:

ZONING:	PUD-R (PLANNED UNIT DEVELOPMENT - RESIDENTIAL)
PROPOSED SITE USE:	MULTI-FAMILY ATTACHED AND SINGLE-FAMILY DETACHED RESIDENTIAL
MAGISTERIAL DISTRICT:	STONEHOUSE
TAX MAP PARCEL ID:	0440100030 (PARCEL B-1) - SCP-JTL STONEHOUSE OWNER 1, LLC 0530100009 (PARCEL B-2) - SCP-JTL STONEHOUSE OWNER 1, LLC 0440100025 (PART OF PARCEL B) - SCP-JTL STONEHOUSE OWNER 1, LLC 0530100003 (PARCEL 2) - STONEHOUSE 2.0, LLC 0540100002 (PARCEL 18) - MCP STONEHOUSE, LLC (C/O MANDRAKE CAPITAL PARTNERS)
SITE ADDRESS:	9354 FIELDSTONE PARKWAY TOANO, VA 23168
UTILITIES:	PUBLIC WATER SEWER
BUILDING SETBACKS:	20' FRONT YARD: SIDE YARD: REAR YARD:
TOWNHOUSE BUILDING HEIGHT:	35' (60' MAX.)
PARKING REQUIRED:	2 SPACES PER LOT = 232 SPACES SINGLE-FAMILY (116 LOTS): MULTI-FAMILY (64 LOTS):
PARKING PROVIDED:	4 SPACES PER LOT = 464 SPACES SINGLE-FAMILY: MULTI-FAMILY:
OVERALL SITE AREA:	390,061 S.F.±, 8.955 AC.± PARCEL B-1: PARCEL B-2: (NEW) PART OF PARCEL B: TOTAL SITE AREA:
TOTAL DISTURBED AREA:	1,843,550 S.F.±, 42.32 AC.±
PROPOSED DEVELOPMENT AREA SUMMARY:	
SINGLE-FAMILY DETACHED LOTS:	763,247 S.F.±, 17.522 AC.± (24.3%)
MULTI-FAMILY ATTACHED LOTS:	232,973 S.F.±, 5.348 AC.± (7.4%)
PUBLIC RIGHT-OF-WAY:	321,476 S.F.±, 7.380 AC.± (10.2%)
COMMON OPEN SPACE:	1,825,382 S.F.±, 41.905 AC.± (58.1%)
TOTAL DEVELOPMENT AREA:	3,143,078 S.F.±, 72.154 AC.± (100.0%)
TOTAL R/W IMPERVIOUS AREA:	198,764 S.F.±, 4.563 AC.±
TOTAL IMPERVIOUS AREA:	827,587 S.F.±, 19.000 AC.± (22.1%)
FLOOD HAZARD MAP:	THIS PROPERTY IS LOCATED WITHIN ZONE "X", AS SHOWN ON MAP NUMBER 51095C0037D, PANEL 0037, FOR COMMUNITY NUMBER 51095, DATED DECEMBER 16, 2015 OF THE FLOOD INSURANCE RATE MAPS FOR JAMES CITY COUNTY, VIRGINIA. ZONE "X" IS DEFINED AS AREAS TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
HYDROLOGICAL INFORMATION:	WARE CREEK (YO62) SUBWATERSHED: SUBBASIN: WATERSHED:
HYDROLOGICAL UNIT CODE (HUC):	YO62

OWNER/DEVELOPER:

SCP-JTL STONEHOUSE OWNER 1, LLC

CONTACT:

ROBERT W. WOODRUFF, P.E.
20 ROCK DEVELOPMENT, LLC.
40393 BROWNS CREEK PLACE
LEESBURG, VA 20175-8805
Bob.Woodruff@rockbridgealliance.com

ENGINEER:

LANDTECH RESOURCES, INC.

CONTACT:

WILLIAM FELTS, P.E.
205-E BULIFANTS BOULEVARD
WILLIAMSBURG, VA 23188
(757) 565-1677
william@landtechresources.com

LANDSCAPE ARCHITECT:

LPDA LANDSCAPE ARCHITECTURE

CONTACT:

CHRISTOPHER BASIC
4087 LONGVIEW LANDING
WILLIAMSBURG, VA 23188
(757) 565-2306
chrissb@lpda.net



CONTRACTOR SHALL NOTIFY MISS UTILITY @ 811 OR (800) 552-7001 PRIOR TO STARTING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR LOCATING AND DETERMINING SIZES OF ALL UTILITIES PRIOR TO CONSTRUCTION. IF CONDITIONS DIFFER FROM THOSE SHOWN ON THE PLANS, CONTACT THE ENGINEER BEFORE PROCEEDING

REVISION / COMMENT / NOTE

NO.	DATE	REVISION / COMMENT / NOTE
1	8/22/21	REVISED PER ICC COMMENTS
2	10/14/21	REVISED PER ICC COMMENTS
3	11/22/21	REVISED PER ICC COMMENTS
4	3/8/22	REVISED PER ICC COMMENTS



SUBDIVISION PLAN
FOR
STONEHOUSE
VIRGINIA
LAND BAY 5
JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: As Noted

Date: March 22, 2021

Job Number: 20-224

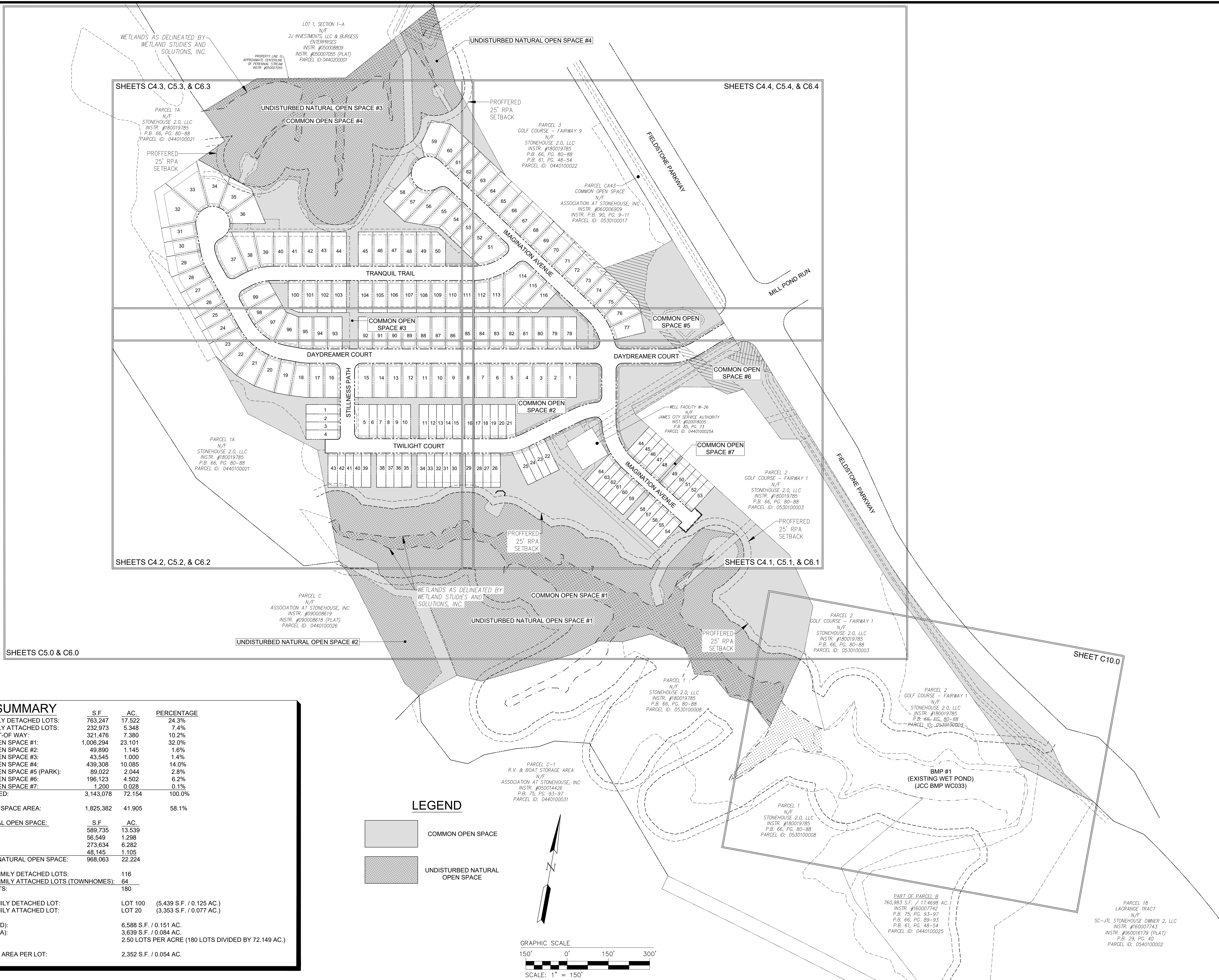
Designed By: GSW

Sheet Title:

COVER SHEET

Sheet Number:

C1.0



LAND USE SUMMARY

	S.F.	AC.	PERCENTAGE
AREA OF SINGLE-FAMILY DETACHED LOTS:	763,247	17.522	24.3%
AREA OF SINGLE-FAMILY ATTACHED LOTS:	232,973	5.348	7.4%
AREA OF PUBLIC RIGHT-OF-WAY:	321,476	7.380	10.2%
AREA OF COMMON OPEN SPACE #1:	1,006,294	23.101	32.0%
AREA OF COMMON OPEN SPACE #2:	49,890	1.145	1.6%
AREA OF COMMON OPEN SPACE #3:	43,545	1.000	1.4%
AREA OF COMMON OPEN SPACE #4:	439,308	10.085	14.0%
AREA OF COMMON OPEN SPACE #5 (PARK):	89,022	2.044	2.8%
AREA OF COMMON OPEN SPACE #6:	196,123	4.502	6.2%
AREA OF COMMON OPEN SPACE #7:	1,200	0.028	0.1%
TOTAL AREA SUBDIVIDED:	3,143,078	72.154	100.0%

TOTAL COMMON OPEN SPACE AREA:	1,825,382	41.905	58.1%
-------------------------------	-----------	--------	-------

UNDISTURBED NATURAL OPEN SPACE:	S.F.	AC.
AREA #1:	589,735	13.539
AREA #2:	56,549	1.298
AREA #3:	273,634	6.282
AREA #4:	48,145	1.105
TOTAL UNDISTURBED NATURAL OPEN SPACE:	968,063	22.224

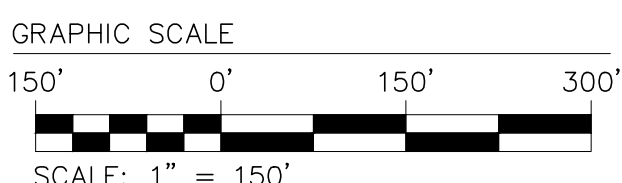
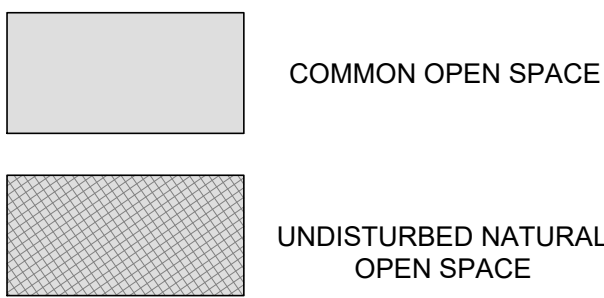
NUMBER OF SINGLE-FAMILY DETACHED LOTS:	116
NUMBER OF SINGLE-FAMILY ATTACHED LOTS (TOWNHOMES):	64
TOTAL NUMBER OF LOTS:	180

SMALLEST SINGLE-FAMILY DETACHED LOT:	LOT 100 (5,439 S.F. / 0.125 AC.)
SMALLEST SINGLE-FAMILY ATTACHED LOT:	LOT 20 (3,353 S.F. / 0.077 AC.)

AVERAGE LOT SIZE (SFD):	6,588 S.F. / 0.151 AC.
AVERAGE LOT SIZE (SFA):	3,639 S.F. / 0.084 AC.
GROSS DENSITY:	2.50 LOTS PER ACRE (180 LOTS DIVIDED BY 72.149 AC.)

AVERAGE IMPERVIOUS AREA PER LOT:	2,352 S.F. / 0.054 AC.
----------------------------------	------------------------

LEGEND



NO.	DATE	REVISION / COMMENT / NOTE
1	8/22/21	REVISED PER ICC COMMENTS
2	10/14/21	REVISED PER ICC COMMENTS
3	11/17/21	REVISED PER ICC COMMENTS
4	3/8/22	REVISED PER ICC COMMENTS



SUBDIVISION PLAN FOR
STONEHOUSE VIRGINIA
LAND BAY 5
JAMES CITY COUNTY STONEHOUSE MAGISTERIAL DISTRICT VIRGINIA

Scale: 1"=150'
Date: March 22, 2021
Job Number: 20-224
Designed By: GSW
Sheet Title:
OVERALL DEVELOPMENT PLAN
Sheet Number:
C4.0



Community Development

101-A Mounts Bay Road

P.O. Box 8784

Williamsburg, VA 23187-8784

P: 757-253-6671

F: 757-253-6822

community.development@jamescitycountyva.gov

jamescitycountyva.gov

Building Safety & Permits

757-253-6620

Neighborhood Development

757-253-6640

Planning

757-253-6685

Zoning

757-253-6671

March 30, 2022

Mr. William Felts
Mr. Greg Warren
LandTech Resources Inc.
205-E Bulifants Blvd.
Williamsburg, VA 23188

RE: SPLN-21-0001, Stonehouse Land Bay 5

Dear Mr. Felts,

Thank you for the opportunity to review your application for the above referenced project. Upon review of your application, staff offers the following comments:

Planning:

Proffers

1. Proffer 3.1 (b)(i) – Prior to approval of a site plan and/or subdivision plan that would result in more than 390 total dwelling units or 81,000 sf of non-residential use on the Property, Owner shall submit to the County and VDOT a traffic signal warrant analysis for the intersection of State Route 30 and Fieldstone Parkway.

Staff acknowledges that VDOT concurred with the findings of the Signal Justification Report. In accordance with the adopted proffer, the owner shall guarantee a traffic signal at the intersection prior to approval of SPLN-21-0001 and the signal shall be installed prior to the issuance of building permits.

A cost estimate for the signal was provided to the County and accepted by VDOT. Documentation for the instrument of surety has not yet been received by the County. The surety instrument must be submitted and approved in order for this plan to receive final approval.

2. Please refer to Zoning's comment letters for additional proffer references. These proffers must be satisfied in order for this plan to receive final approval.

Plan Comments

1. Per prior comments, as this plant uses spaces in garages to meet minimum parking requirements, Sec. 24-59(a) requires that detail diagrams of the garage layouts (1 car, 2 cars, etc..) be provided to confirm that they adequately accommodate ingress and egress out of the vehicle and interior access to the residential unit.
-

2. Per prior comments, the soil stockpile maintenance plan on sheets C3.0 and C3.1 should be revised by correcting the proposed timeline to reference the maximum term of two years. After the initial two years, any requested time extension would require approval by the Development Review Committee.

If the applicant intends to request a waiver of the time limitation in accordance with Sec. 24-46(f), that waiver request would need to be approved as part of this construction plan prior to final approval.

Fire, Landscape Planner, and JCSA: Approved.

Zoning: Comments are available on PermitLink.

BSP, and SRP: Comments will be forwarded when available.

When the above comments have been incorporated into the plans, please provide 12 copies of the revised plans and a letter detailing how the comments were addressed. Please also upload the revised plans and documents to PermitLink. Please do not hesitate to contact me at (757)253-6691 or John.Risinger@jamescitycountyva.gov should you have any questions or concerns.

Respectfully,



John Risinger
Planner



MEMORANDUM

TO: John Risinger
From: Terry Costello
Date: 3/28/2022
Re: SPLN-21-0001, Stonehouse Land Bay 5

I have reviewed SPLN-21-0001 and have the following comments: The project is associated with proffers Z-19-0010.

1. Proffer 3.1 (b)(i) – A traffic signal is warranted and the owner shall guarantee a signal prior to approval of the construction plan. (Status: in process)
2. Proffer 3.1(k) – Owner shall provide with each site or subdivision plan, the projected peak hour vehicle trip generation associated with the development of this plan, and which as previously received approval from the County in a from reasonably acceptable to the Planning Director. (Status: waiting on Planning Director's approval)
3. Proffer 8 (a) – Water conservation standards shall be submitted and approved by JCSA prior to final subdivision approval for development on the property. (Status:submitted)
4. Proffer 9.2 – Prior to final approval, the updated comprehensive inventory of all stormwater management devices within the Property shall be submitted and reviewed. (Status: submitted)
5. Proffer 14 – Owner shall prepare and submit design review guidelines for each Tract of the Property to the Planning Director prior to the County being obligated to grant final approval to any development plan for the Tract.



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
---	--	--	---	--

February 22, 2022

SCP-JTL Stonehouse LLC
6101 Carnegie Blvd, Ste 425
Charlotte, NC 28209

William Felts, P.E.
Greg Warren
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: Stonehouse Land Bay 5
SPLN-21-0001
4th Review

The Stormwater and Resource Protection Division has completed a review of the submitted case referenced above and offers the following permitting information and technical comments on the proposed submittal.

Technical Review Comments

Preliminary Plat Sheets:

1. Lot 35. Please adjust the building envelope to account for the 25 foot RPA offset as required for this neighborhood.
2. BMP #3 Access. Please provide the access easement for the added BMP #3 access road.

Site Layout Plans:

3. Streetlight. Please ensure a streetlight is located at the intersection of Stillness Path and Twilight Court. Staff was unable to find the symbol for this needed light.

Grading Plans:

4. Existing 12" Standpipe at Rear of Units 1-4. Please ensure the grading activities noted in this area do not cover or block the existing standpipe.
5. Retaining Wall at BMP#3 Access Road. Please include bottom of wall (BW) elevations. Additionally, please coordinate the location and design grading of this wall with the BSP Division

prior to resubmittal of the plan. Changes in the layout or grading as required by the BSP Division may affect the final location of the access road and easement.

Stormwater Management/ Drainage Plan:

6. BMP#3.
 - a. Narrative Notation. Please ensure the calculations and routings for this facility are labeled as BMP #3. Some of the Summary for Pond 25P sheets are labeled as Stilling Basin #3, which is located elsewhere on the project site, and some are labeled as Stilling Basin #1, which is downstream of the BMP.
 - b. Inverts. The invert elevations provided in the drainage narrative do not match the elevations shown in the plan set. Please ensure the correct elevations are used in the routings.
 - c. Outlet Length, Device #1 (Primary). The pipe length presented for Device #1 in the Drainage Narrative differs from the value should in the plan set. Please verify the correct length.
 - d. Previous Comment Response, Device #3. In the comment response letter, it was stated that a 48" MH opening would be used; however, the 30.0" W x 8.0" H Vertical Orifice/Grate is still shown. Please clarify both plan set and calculations, and ensure appropriate symbol is included on the plan set.
 - e. Detail Reference, Sheet C6.3. The sheet reference for BMP#3 is incorrectly noted as C10.3 rather than as C10.1
7. Storm Sewer #1.
 - a. Line ID. There were a few instances where the provided line ID in the Storm Sewer Tabulation within the drainage narrative did not match up with the notation shown in the plan set. This is not a large concern but does aid staff in reducing review times. The misidentifying lines found by staff include Lines 19, 20, 21, and 30. Please correct as needed.
 - b. Drainage Area, Line 47. The drainage area shown for #1-7 in the plan set differs from the value provided in the Storm Sewer Tabulation. Please modify as needed.
 - c. Pipe Diameter, Line 33. The pipe diameter shown for Line 33 in the Storm Sewer Tabulation does not match with the value provided in the plan set. Please verify the correct value.
 - d. Missing Callouts, Sheets C6.2 and C6.3. Callouts are missing for SS#1-5C and SS#1-12B. Please provide the necessary callouts on the appropriate sheets.
 - e. Invert Down, Line 28. The provided invert down elevation for Line 28 in the drainage narrative does not match the value shown in the plan set. Please verify the correct value.
 - f. Pipe Sizing. Staff noted a 42" pipe flowing into a 15" pipe at SS#1-4B, as well as a 24" pipe flowing into a 15" pipe at SS#1-4. Reductions in pipe size are not in accordance with JCC Design Guidelines. Please check throughout main run of pipe for Storm System #1 and adjust pipe sizes as necessary.
 - g. Pipe Lengths. Staff have found discrepancies in the pipe lengths provided, with a difference greater than 1 foot. These include Lines 3, 6, 7, and 42. Please ensure the values provided in the drainage narrative match with those shown in the plan set.
 - h. SS#1-4.
 - i. Staff are unable to locate the necessary information for SS#1-4 within the storm sewer legend. Please provide the location where this can be found or add it if not already included.

- ii. Staff notes that SS#1-4 has lower invert elevations than #SS1-4A, SS#1-4B, and SS#1-5, causing backward flow patterns. Please modify the storm system to correct these issues.

8. Storm Sewer #2.

- a. Line ID. Please ensure the line ID information for Line 15 is consistent between plan and narrative.
- b. Pipe Data. Please include the necessary information for Lines 4, 5, and 6 in the Storm Sewer Legend.
- c. Slopes and Inverts, Lines 9 and 10. Within the Storm Sewer Tabulation, the only invert that matched to the plan set for these lines was the Invert Down elevation of Line 9. As a result, this caused the slopes to also not match. Please verify and correct as needed.

9. Storm Sewer #3.

- a. Pipe Length and Invert Up, Line 9. An incorrect pipe length was used for Line 9. Additionally, the DA and C values used for this line differ from those provided in the plan set. Please adjust as necessary.
- b. Total Flow. There are numerous instances where the total flow in a pipe segment exceeds its capacity. Staff have found this for Lines 6, 8, 10, 11, and 12. Please ensure that all sections can adequately pass the necessary flow as required by the JCC Design Guidelines.
- c. HGL Dn, Lines 13 and 14. The HGL Dn exceeds the RIM elevation SS#3-2. Please review listed elevations and modify as needed.

10. Storm Sewer #4.

- a. Line ID. Please ensure the line ID information for Lines 1 and 5 are consistent between plan and narrative.
- b. Pipe Length and Slope, Line 4. The pipe length and slope provided in the Storm Sewer Tabulation do not match with the values shown in the plan set. Please modify.
- c. Drainage Area and Runoff Coefficient, Line 4. The DA and C values provided in Storm Sewer tabulation do not match those shown in the plan set. It appears that the information was taken from #4-6 rather than #4-2.

Please contact our offices with any questions or concerns regarding the information and comments noted. Staff contact information is listed below for your convenience.

Deirdre P. Wells, P.E., CFM
Chief Civil Engineer
Deirdre.Wells@jamescitycountyva.gov
(757) 253-6702

Marcos A. Piggott, EIT
Civil Engineer I
Marcos.Piggott@jamescitycountyva.gov
(757) 253-6675

Tom Coghill

From: Tom Coghill
Sent: Friday, March 4, 2022 3:52 PM
To: greg@landtechresources.com
Cc: John Risinger
Subject: RE: 9354 Fieldstone Pkwy.; Plan case #SPLN-21-0001

Mr. Warren,

Any retaining wall that supports 3 feet or more of unbalanced fill and designed after May 11, 2021 is subject to the JCC Retaining Wall Ordinance. It appears that most retaining walls shown on the site development plan referenced in the subject line above will be affected, yet none appear to comply with applicable Ordinance provisions; including easements and horizontal separation of stepped walls. The addition of bottom of wall elevation data to accompany top of wall elevation data already indicated on the plans would help us identify those retaining walls subject to the Ordinance.

Regards,

Tom Coghill, CBO, CFM
Director, Building Safety and Permits



101 Mounts Bay Rd, Building E
Williamsburg, VA 23185
P: 757-253-6626

www.jamescitycountyvva.gov

Most permit requests and inquiries can now be handled online

Visit JCC Permitlink: <http://www.jamescitycountyvva.gov/permitlink>

Free access to Virginia Codes

<https://codes.iccsafe.org/public/collections/VA>

Kindly include the property address and permit case number, if known, in the subject line on all correspondence. Thank you!

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0001. 3 Marclay Road Tourist Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Proposed SUP Conditions	Backup Material
▣	Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Applicant narrative	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/29/2022 - 1:16 PM
Planning Commission	Holt, Paul	Approved	3/29/2022 - 1:16 PM
Publication Management	Daniel, Martha	Approved	3/29/2022 - 1:24 PM
Planning Commission	Holt, Paul	Approved	3/29/2022 - 1:24 PM

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing**

SUMMARY FACTS

Applicant: Ms. Kenya DelValle, Kingdom Living Estates, LLC

Land Owner: Marclay, LLC

Proposal: To allow for a tourist home rental of an entire four-bedroom home. The owner does not live on-site

Location: 3 Marclay Road

Tax Map/Parcel No.: 4820100004

Property Acreage: ± 3.26 acres

Zoning: R-8AA, Rural Residential, Airport Approach Overlay District

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Terry Costello, Senior Planner

PUBLIC HEARING DATES

Planning Commission: April 6, 2022, 6:00 p.m.

Board of Supervisors: May 10, 2022, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. There is adequate off-street parking.
2. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. Staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation. See Comprehensive Plan Analysis on Page 5.
4. Impacts: See Impact Analysis on Pages 3-4.

FACTORS UNFAVORABLE

1. Staff finds the proposal inconsistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. Impacts: See Impact Analysis on Pages 3-4.

SUMMARY STAFF RECOMMENDATION

Per the impacts analysis noted below, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Levels of Service (LOS) for roads or other public services. While staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Planning Commission wish to recommend

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing**

approval, staff has included proposed conditions for consideration (Attachment No. 1).

PROJECT DESCRIPTION

Ms. Kenya DelValle of Kingdom Living Estates, LLC, has applied for a Special Use Permit (SUP) to allow for a short-term rental of an existing four-bedroom house as a tourist home. Ms. DelValle will be acting as an agent for the property owner, Marclay, LLC. The proposal includes no changes to the size or footprint of the house. There is also an office building on the property located to the east of the residence that is not part of this application.

The Zoning Ordinance defines a tourist home as “a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” The proposed conditions limit the number of bedrooms available for rental to four bedrooms.

The property has an existing driveway off of Marclay Road and an existing parking area sufficient to accommodate guests. The four-bedroom home is on private well water and public sewer. In previous tourist home applications, staff calculated the number of occupants to be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per contract, including children, is eight.

PLANNING AND ZONING HISTORY

- There have been no legislative cases associated with the residence that was built in 2005.
- An SUP associated with the office building for a beauty shop use was approved in 1994.
- The current use of the building is office space.

SURROUNDING ZONING AND DEVELOPMENT

- The property is not located within any major or minor subdivision and is adjacent to the Williamsburg-Jamestown Airport.
- The properties surrounding this parcel to the north are zoned R-5, Multifamily Residential and are part of the Williamsburg Landing community.
- Properties to the south and east are zoned R-8, Rural Residential.
- Properties to the west, across Lake Powell Road, are zoned R-2, General Residential.
- All properties surrounding the parcel are also in the Airport Approach Overlay District.
- Properties to the north, west, and south are all designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map.
- Properties to the east are designated Airport on the 2045 Comprehensive Plan Land Use Map.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	- The proposal is not anticipated to generate traffic exceeding a typical residential use. - The subject property is located on the corner of a collector road and local road. No changes anticipated to LOS on Marclay Road or Lake Powell Road.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, Lake Powell Road is an existing shared roadway. - There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.
<u>Public Safety</u>	<u>No Mitigation Required</u>	- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 2.4 miles from the proposed tourist home. - Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	- N/A since no residential dwelling units are proposed.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- The property receives public sewer and is on a private well. - The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing

Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Watersheds, Streams, and Reservoirs</u> Project is located in the Mill Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Lake Powell Road is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing**

2045 COMPREHENSIVE PLAN

The site is designated Airport on the 2045 Comprehensive Plan Land Use Map.

Per the adopted Comprehensive Plan, the principal suggested uses for the developable land associated with the airport include aviation, with airport-related commercial and office development as clearly secondary uses. Further, land which is currently in use as a mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained, and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are discouraged and any proposed development is to be considered in light of its impact on neighboring communities and subdivisions. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable LOS for roads and other public services.

Staff notes that, per the adopted Comprehensive Plan language above, principal suggested uses for the developable land associated with the airport include airport-related development as secondary uses. Per the applicant's narrative (Attachment No. 4), the applicant's goal is to provide quality lodging services to potential renters flying in to the Airport.

Staff also notes that, per the adopted Comprehensive Plan language above, proposed commercial development, while discouraged, should be considered in light of its impact on neighboring communities and subdivisions, and that the timing and intensity of development will be

conditioned on buffering of adjacent property and the maintenance of an acceptable LOS for roads and other public services.

Per the impacts analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services.

Specific to short-term rentals, the adopted Comprehensive Plan states that, if located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

This property is designated Airport on the adopted 2045 Comprehensive Plan Land Use Map. While this designation is not one of those preferred, staff believes that this location may be considered uniquely and complimentary to the airport.

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

This parcel is not located within an existing platted subdivision and fronts on Lake Powell Road.

- Be located on a major road.

This property fronts on Lake Powell Road and takes access from Marclay Road. This segment of Lake Powell Road is classified by the Virginia Department of Transportation as a collector road, while Marclay Road is considered a local road.

- Be operated in a manner such that the property owner will

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home
Staff Report for the April 6, 2022, Planning Commission Public Hearing**

continue to live and reside on the property during the rental.

The owner of the home will not reside on the same property as the proposed rental.

STAFF RECOMMENDATION

Per the impacts analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. While staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Planning Commission wish to recommend approval, staff has included proposed conditions for consideration (Attachment No. 1).

TC/md
SUP22-1_3MarclayRdTH

Attachments:

1. Proposed SUP Conditions
2. Location Map
3. Master Plan
4. Applicant Narrative

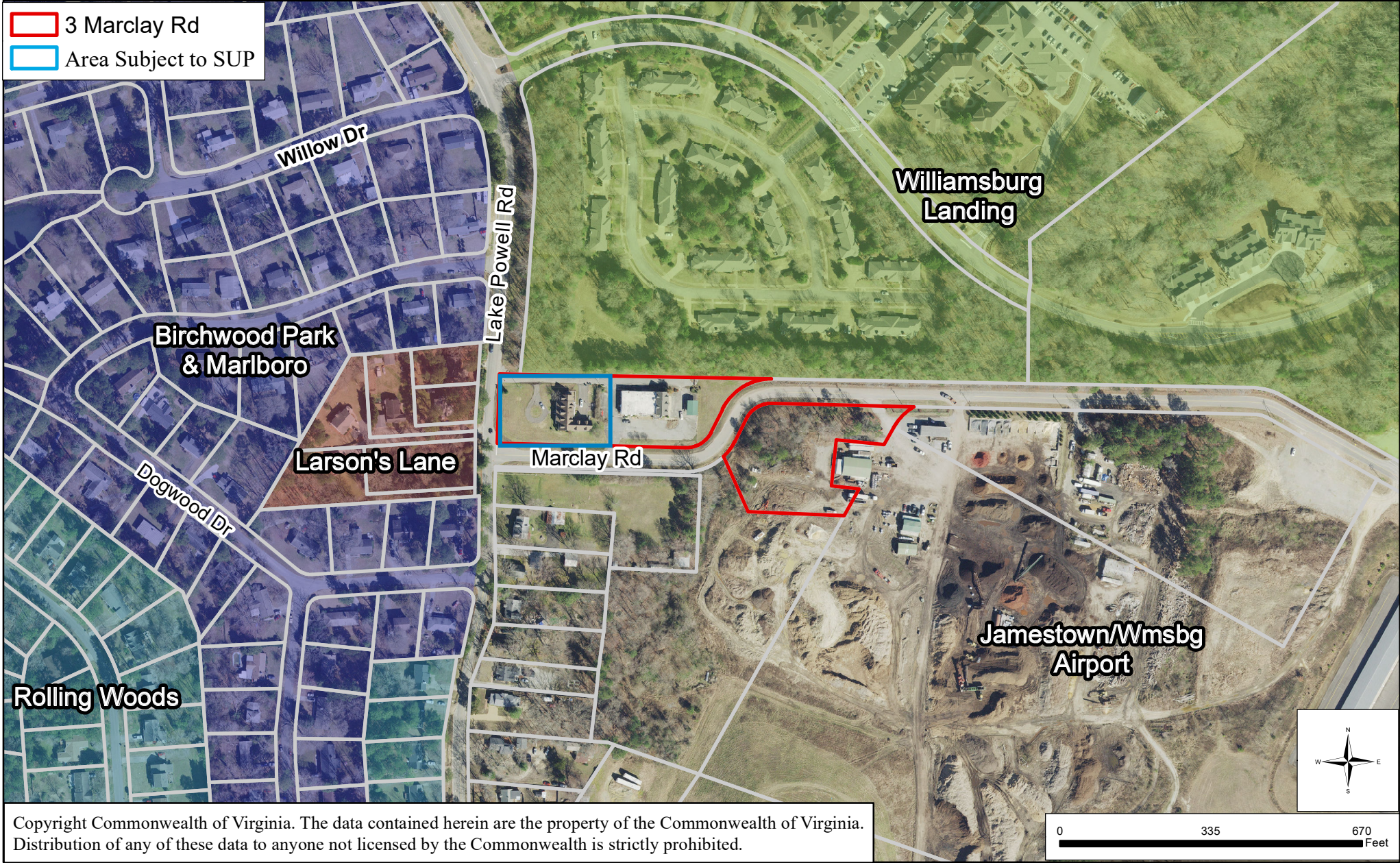
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

SUP-22-0001, 3 Marclay Rd Tourist Home

1. **Master Plan** – This SUP shall permit a tourist home on property located at 3 Marclay Road and further identified as James City County Real Estate Tax Map Parcel No. 4820100004 (the “Property”). The use and layout of the Property shall be generally as shown on the document entitled “JCC SUP-22-0001, 3 Marclay Road, Tourist Home” and date stamped March 3, 2022 (the “Master Plan”), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. **Commencement** – Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. **Number of rental room occupants** – There shall be no more than four (4) bedrooms available for rent to visitors and no more than eight (8) rental occupants total at any one time.
4. **Contracts per Rental Period** – There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. **Signage** – No signage related to the use of the tourist home shall be permitted on the Property.
6. **Parking** – Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property.
7. **Severance Clause** – This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

JCC SUP-22-0001

3 Marclay Rd Tourist Home



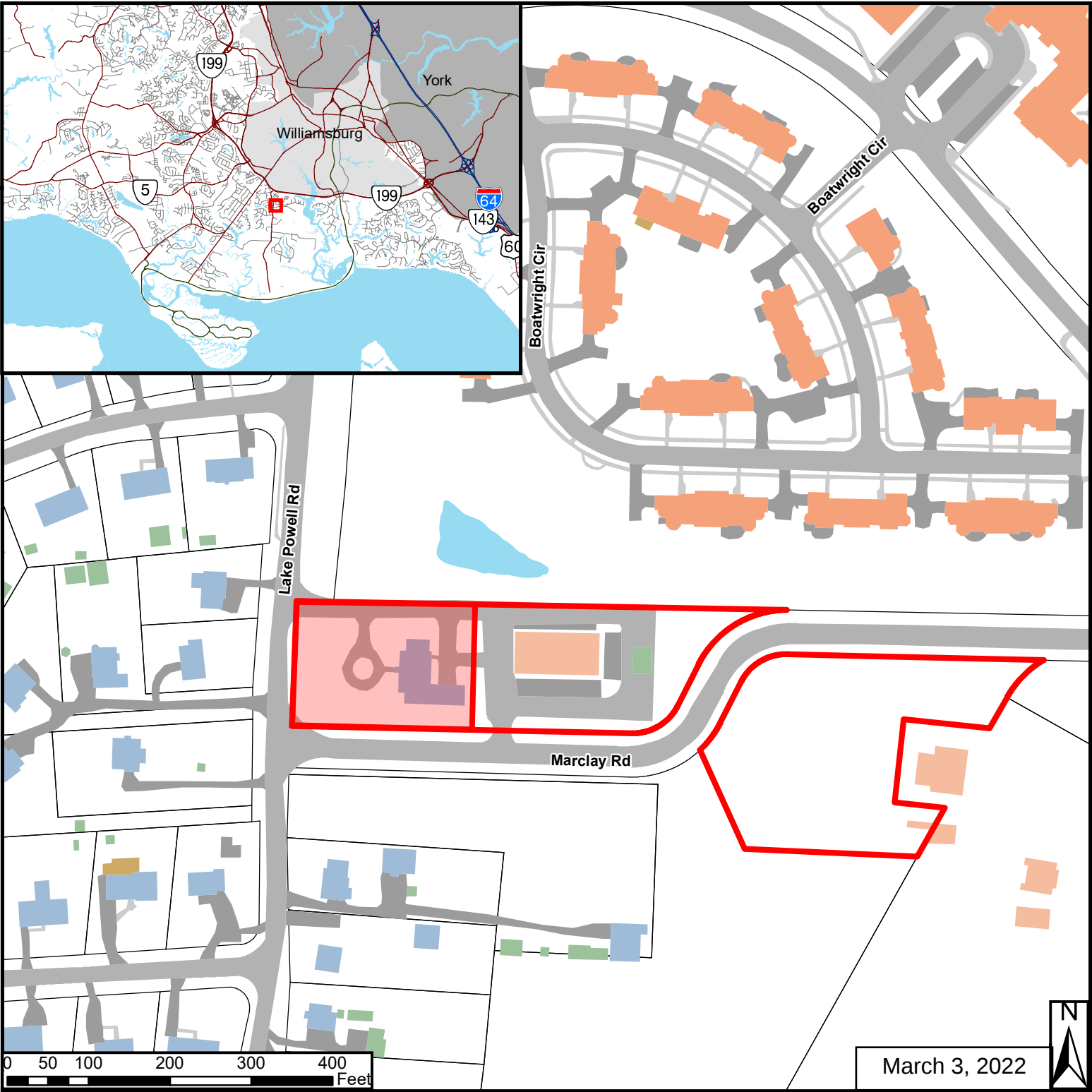
SUP-22-0001, 3 Marclay Rd Tourist Home

Property Information

4820100004
MARCLAY LLC
3 MARCLAY ROAD
WILLIAMSBURG, VA 23185
Zoning: R8 Rural Residential
2045 Comp Plan: Airport
Legal Acreage: 3.26

General Notes

- 1. Site is served by public water and sewer.
- 2. Property is not located in a FEMA Flood zone.
- 3. Property does not contain Resource Protected Area.
- 4. Property has an existing driveway.
- 5. A minimum of three parking spots shall be provided (one parking spot per bedroom).



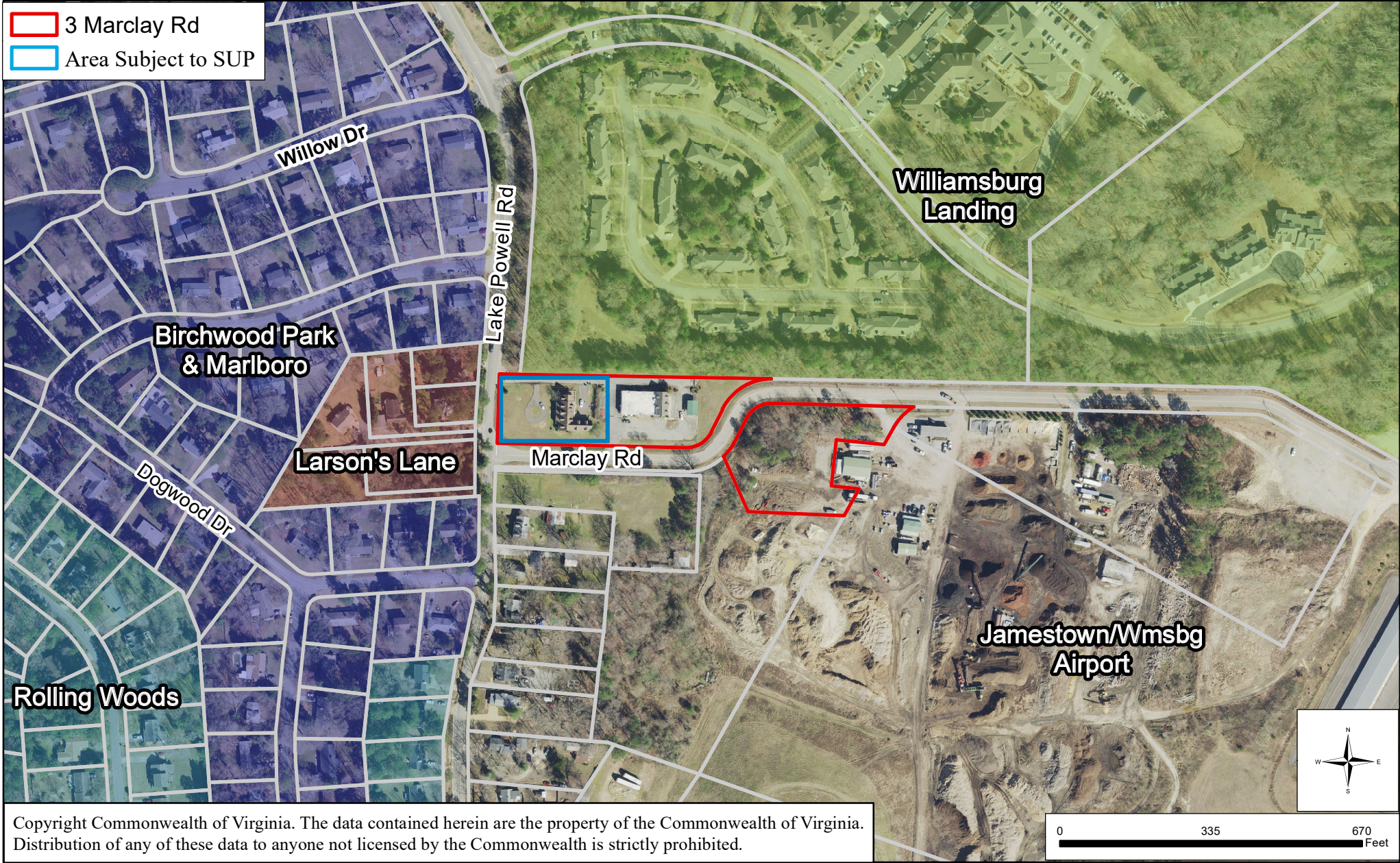
Adjacent Properties

4810100063 Williamsburg Landing Inc 5550 Williamsburg Landing Dr Williamsburg, VA 23185 R5 Multi-Family Residential	4812100001 Diane J E Freedman 2951 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential
4812100005 Lori M Hill 2967 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100004A Larry T Waltrip & Dudley S Waltrip 10 Marclay Rd Williamsburg, VA 23185 R8 Rural Residential
4812100004 Otis Bland III Crowder, A Crowder & David Miller Crowder 2963 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100005A Williamsburg-Jamestown Airport, INC 100 Marclay Rd Williamsburg, VA 23185 R8 Rural Residential
4812100003 Daniel B & Brooke E Carr 2959 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100012 Short Neck LLC 20 Marclay Rd Williamsburg, VA 23185 R5 Multi-Family Residential
4812100002 Candice S Jenkins 2955 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	

Sheet Index

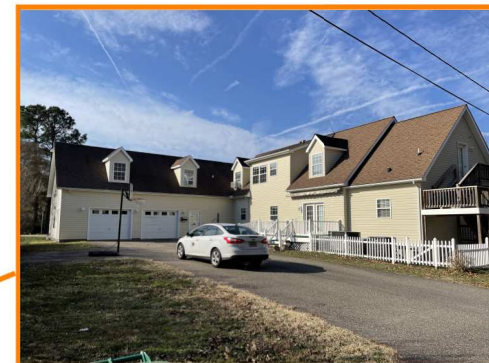
- 1. Cover Page
- 2. Location Page
- 3. Site Details

JCC SUP-22-0001
3 Marclay Rd Tourist Home



JCC SUP-22-0001

3 Marclay Road Tourist Home



Short Term Rental (Tourist home) Special Use Permit Narrative for 3 Marclay Rd, Williamsburg, 23185

On behalf of Larry Waltrip, we are submitting a request of approval for the property of 3 Marclay Road, Williamsburg, VA 23185 to operate as a short-term rental “tourist home”, using the AirBnB model. The Property description is PT short neck, with approximate square footage 4,134 sq ft on a total of 3.26 acres land, but about .75 acres will be used for the tourist home purposes. It is a 4 bedroom home with 3 full bathrooms and 1 half bath. The home sits at the corner of Marclay Road, Marclay Drive, and Lake Powell Road. On the James City County Property information website, the zoning for the parcel ID pin# 4820100004 for 3 Marclay Road, Williamsburg, VA 23185 according to the James City County Zoning Ordinance, this property meets the criteria, the tourist home use is allowed by special use permit (SUP) in the R-8, Rural Residential Zoning District.

After reviewing the short-term rental section of the Comprehensive Plan in Chapter 10, the Land Use section, I learned about the James City County updates as of 2020. Under Key Planning Influences, the Community Design Policies section addresses how short-term rentals of a private residential property facilitated through the AirBnB model has permitted this concept as a “tourist home” use. According to the R8 zoning for the rural residential commercial uses, 3 Marclay Road, Williamsburg, VA 23185 qualifies for a special use permit because of its location and zoning. We understand the importance of protecting the surrounding residential area and staying updated with the Certificate of Occupancy.

I understand that this approval process provides the opportunity to operate a few different “tourist homes” models, but our goal and desire for the property is to specifically operate the 3 Marclay Road property as an AirBnB with the whole house being rented per stay. We do not plan to rent out the rooms individually, nor do we plan to use the property as a Bed and Breakfast model. With such a prestigious and very active airport, such as Williamsburg Jamestown Airport being nearby, that has served the Historic Triangle of Williamsburg-Jamestown-Yorktown for 50 years, this property is perfectly located to help provide quality lodging services to potential renters flying in. The airport is approximately 0.4 miles away from the property.

It is essential to us to provide the best quality of services to not only the residents of Williamsburg but to visitors from all over the world that look forward to coming here and have a great experience. Therefore, it is important to us to follow the Zoning Ordinance and stay in compliance with the fire and building code in order to have a successful business model. I understand there is a concern of transient residents, but with 3 Marclay being in a rural area without neighboring residential houses it can add to Colonial Williamsburg/Jamestown being a highly visited and tourist city for years with its rich history that it provides, without a disruption to the life of local residents. As long as the short-term rental is provided with excellence, high quality, and policies; using the AirBnB model will also aide in providing stipulations for the renters to adhere to and follow, making it a more rigorous and intimate screening process because the entire house will be rented out at a time.

We would like the Planning Commission and Board of Supervisors to consider a few factors that are concerning this particular property. According to James City County municode website under Division 8 - Rural Residential district, R8 under section 24-348 Use List, the 3 Marclay Road property falls under the commercial uses “tourist home” category. The property meets the required rural residential district R8 zoning, therefore, so we are requesting a specially permitted use to operate an AirBnB “tourist home” at the 3 Marclay Road property, which is located in a rural area near the Williamsburg Jamestown Airport.

Considering, AirBnB being a newer model to the world, it has been around since 2008. Over the last few years, it has grown, and continues grow. Recognizing that this new model has James City County creating and recreating policies and implementing new standards. As James City County work to address the new changes while moving along with the evolution that has come with this new model that are presented to the world and this County. It has been challenging for there to be any consistency and continuity with offering a fair approval process in case that are not so straight forward addressing all the standards. As I have viewed the current standards and looked at many previous SUP cases regarding AirBnB requests, I want to explain a few concerns about this SUP request we are submitting and why it is a completely different case compared to any other cases I have seen thus far.

The current standards and processes do not provide a clear and unbiased criterion measuring procedure. For 3 Marclay Road property some of the discrepancies that were found regarding this address are that because of the location of the property and the land that it sits on, it falls under two different ordinances, which could work against or in the favor of this SUP request. There is a huge concern that this case would receive its own fair review as an individual case and not be viewed as a similar request because there are multiple ordinances that it falls under and adheres to, which could result to an automatic denial if the attention is not afforded because it is not a straightforward review process. The property falls under the R-8 Rural Residential Zoning District ordinances and according to the James City County’ published Comprehensive Plan Land Use Map and evaluation of the property ownership the 3 Marclay Road falls under the Airport land use, which is commercial.

This home sits on the Williamsburg Jamestown Airport property, which are both the land and properties of Larry Waltrip, who is the owner and who is now looking to seek approval to utilize his own property as an AirBnB. He originally built the home for his mother and since then he has received approval to rent rooms out to the William and Mary Doctoral Law students while they finished their program. Since times have changed, with the new AirBnB model the location of the home is also very convenient for the Airport consumers as well as other visiting families and tourist coming to town to enjoy Williamsburg. The approval criteria for this property are offering double language that are conflicting each other with the multiple criteria to follow which are counteracting each other; automatically setting this process up for failure. How could there be truly a complete and fair judgment for denial with this qualifying process? If the land and property of the Airport and 3 Marclay Road home are all owned by Mr. Waltrip, and the home also meets the R-8 Rural residential zoning and he wants to move forward with a tourist home after utilizing it as rental rooms for college students then what is the issue with moving forward with an AirBnB model, which is not too far-fetched?

It is great because we all live right here in Williamsburg, and there is staff that lives physically on the property as well, which makes it easier to stay on top of things, allowing immediate access to the property. This allows us to ensure that the AirBnB and James City County standards are being withheld as they will be implemented in the policies for the short-term renters to view. They will receive these policies prior to renting and a copy will be provided on site to ensure the expectations are communicated effectively regarding what is expected from the renters so that their stay or visit does not impact or interfere with the quality of life for the surrounding residents and other businesses.

The 3 Marclay Road property is located on the land designated Airport according to the James City County Comprehensive Plan Land Use Map, but it is also zoned as an R-8 rural residential home, which addresses the concern for providing a fair judgement of this property. It is not internal to an existing platted subdivision, the property is a great compliment to the residential character of its surrounding area because it is located on the corner/edge on a major road, which has homes and subdivision directly across the street. It is located on a major road named Lake Powell Road. As none of the other approved AirBnB homes that have been approved by James City County thus far and many of the other AirBnB models in the world it is not particularly the model for someone to actual live inside the home as an AirBnB model, that is a Bed and Breakfast model. The owner of 3 Marclay Road does have staff that lives on the property. Once again, this is some of that conflicting information from previous approved requests and it is addressing a completely different type of model. I hope the board would consider all views of the case and provide a fair judgment of the individualized status of this property' uniqueness. It is not too close to the nearest residential homes, it is not close to any of the nearby hotels and resorts, it is very close to the Williamsburg Jamestown Airport, it is central to many attractions offered in the Historic Triangle area, and it is a beautiful home that would provide families the ability to come and enjoy a variety of agri-tourism opportunities together under one roof. During these special times of the Covid outbreaks, this is definitely a great way for large families to come and experience a home away from home in a safe private setting.

ITEM SUMMARY

DATE: 4/6/2022

TO: The Planning Commission

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Planning Director's Report - April 2022

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Spreadsheet Listing New Cases Received	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:47 PM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:47 PM
Publication Management	Daniel, Martha	Approved	3/30/2022 - 3:49 PM
Planning Commission	Holt, Paul	Approved	3/30/2022 - 3:51 PM

PLANNING DIRECTOR'S REPORT

April 2022

This report summarizes the status of selected Department of Community Development activities during the past month.

➤ **Planning**

- **Monthly Case Report:** For a list of all cases received in the last two months, please see the attached documents.

➤ **Board Action Results:**

○ **March 8, 2022**

- Z-21-0012 and MP-21-0003. Proffer Amendment for Ford's Colony Master Plan (Ford's Village)
(Deferred 5-0)
- SUP-21-0026. Living Word Church of God
(Approved 5-0)
- AFD-21-0003. 360 Racefield Dr. Solar Farm
(Approved 5-0)
- SUP-21-0022. 360 Racefield Dr. Solar Farm
(Approved 5-0)
- S-21-0069. 2188 Lake Powell Road, Perkinson Family Subdivision
(Approved 5-0)
- Amendments of Zoning & Subdivision Ordinance Consistent with the 2045 Comprehensive Plan
(Approved 5-0)

• **Community Development**

➤ **Skiffes Creek Connector Update**



Construction for the Skiffes Creek Connector continues with the installation of the steel beams crossing over Merrimac Trail (Rte. 143). The steel beams will make up the two-lane bridge over Merrimac Trail and the CSX railroad to connect to

Pocahontas Trail. Construction is anticipated to be completed as early as fall of 2022.

Spreadsheet Listing New Cases Received - April 2022						
Plan Type	Plan Number	Case Title	Plan District	Address	Plan Description	Plan Assigned To
Conceptual Plan	C-22-0002	4625 Ware Creek Rd. Event Barn	Stonehouse	4625 WARE CREEK RD Williamsburg, VA 23188	A request to determine what restrictions apply to the site.	Jose Ribeiro
	C-22-0014	171 Hill Ln - Subdivision Concept	Powhatan	127 & 171 HILL LN Williamsburg, VA 23168	Potential subdivision of the lot to get the most lots possible. Scenario #1: With combining interior lot. Scenario #2: Without combining interior lot.	Suzanne Yeats
	C-22-0015	297 Neck-O-Land Rd - Triplex Conceptual Plan	Berkeley	297 NECK O LAND RD Williamsburg, VA 23185	A request to determine if it is possible to rezone the property to R-1 to build either a triplex or subdivide the property into three lots.	Terry Costello
	C-22-0016	205 Neck-O-Land Rd - Accessory Apartments	Berkeley	205 NECK O LAND RD Williamsburg, VA 23185	A request to add an accessory apartment for each dwelling unit.	Jose Ribeiro
	C-22-0017	6225 Old Mooretown Rd. & 5001 O L Taylor Dr. BLA	Powhatan	5001 O L TAYLOR DR Williamsburg, VA 23188	Boundary line adjustment to correct lot lines for heirs.	Terry Costello
	C-22-0018	Olde Towne Estates Subdivision - 5427 & 5465 Olde Towne Rd.	Powhatan	5427 OLDE TOWNE RD Williamsburg, VA 23188	Proposed Double Minor Subdivision.	Suzanne Yeats
	C-22-0019	7607 Richmond Rd - Oakland Farm Residential Rezoning	Stonehouse	7607 RICHMOND RD Williamsburg, VA 23188	Initial Review of a Design Concept for a proposed Oakland Farm neighborhood	John Risinger
	C-22-0020	6701 Cranstons Mill Pond Rd - 3 Lot Subdivision Inquiry	Powhatan	6701 CRANSTONS MILL POND RD Toano, VA 23168	Request to determine if the lot can be subdivided into three parcels.	Terry Costello
	C-22-0021	3341 Chickahominy Rd - Overhead Utility Waiver	Stonehouse	3341 CHICKAHOMINY RD Toano, VA 23168	Request for a waiver to Section 24-200(c) of the Zoning Ordinance to allow for overhead utility lines.	Terry Costello
	C-22-0022	4405 Centerville Rd. Family Subdivision	Powhatan	4405 CENTERVILLE RD Williamsburg, VA 23188	Proposal to subdivide parcel into two lots.	Suzanne Yeats
	C-22-0023	Settlement at Powhatan Creek Phase 4 - Proposed Townhome Development	Berkeley	4101 MONTICELLO AVE Williamsburg, VA 23188	Preliminary review of proposed townhome development.	Jose Ribeiro
Height Waiver	HW-22-0001	Busch Gardens Height Waiver Renewal	Roberts	7851 POCAHONTAS TRL Williamsburg, VA 23185	Request to extend approval of HW-19-0001 for an additional 36 months.	John Risinger
Subdivision	S-22-0002	8819 Hicks Island Road Subdivision	Powhatan	8819 HICKS ISLAND RD Lanexa, VA 23089	Boundary line adjustment and family subdivision.	Jose Ribeiro
	S-22-0003	8925 Columbia Dr - Subdivision	Roberts	8925 COLUMBIA DR Williamsburg, VA 23185	Plat of Subdivision of property of the Economic Development Authority.	Tom Leiningner
	S-22-0004	1324 & 1326 Jamestown Rd. BLE	Roberts	1324 JAMESTOWN RD Williamsburg, VA 23185	Boundary Line Extinguishment.	Suzanne Yeats
	S-22-0005	Stonehouse Land Bay 5 Phase I	Stonehouse	9354 FIELDSTONE PKWY Toano, VA 23168	Subdivision of Stonehouse LandBay 5, Phase 1.	John Risinger
	S-22-0006	Forest Heights Phase III, Section A, Lots 1-46 & Parcel B	Powhatan	6015 RICHMOND RD Williamsburg, VA 23188	Subdivision of Forest Heights Phase III, Section A, Lots 1-46 & Parcel B	Thomas Wysong

Plan Type	Plan Number	Case Title	Plan District	Address	Plan Description	Plan Assigned To
SitePlan	SP-21-0103	127 Carriage Rd Cell Tower Amend.	Jamestown	127 CARRIAGE RD Williamsburg, VA 23188	Install 3 antennas & 3 sector frame mounts, 6 proposed RRU's & ancillary equipment on an existing communications tower. Install metal platform in leased area for ground equipment cabinets.	Terry Costello
	SP-21-0104	10039 Old Stage Rd. Dish Tower SP Amend.	Stonehouse	10039 OLD STAGE RD Toano, VA 23168	Install 3 antennas & 3 sector frame mounts, 6 proposed RRU's & ancillary equipment on an existing communications tower. Install metal platform in leased area for ground equipment cabinets.	John Risinger
	SP-21-0105	5791 Centerville Rd. Dish Tower SP Amend.	Powhatan	5791 CENTERVILLE RD 3110100084 Williamsburg, VA 23188	Install 3 antennas & 3 sector frame mounts, 6 proposed RRU's & ancillary equipment on an existing communications tower. Install metal platform in leased area for ground equipment cabinets.	John Risinger
	SP-22-0012	Busch Gardens IT Shed	Roberts	7851 POCAHONTAS TRL Williamsburg, VA 23185	This plan adds a shed adjacent to the Busch Gardens administration area between the security office and the Anheuser-Busch brewery.	John Risinger
	SP-22-0016	7734 Richmond Rd. Sunbelt Rentals Renovations	Stonehouse	7734 RICHMOND RD Toano, VA 23168	Site Plan for the building permit Renovate Sunbelt Rentals.	Terry Costello
	SP-22-0017	3201 Monticello Ave - Comm. Tower Antennas Modification	Berkeley	3201 MONTICELLO AVE Williamsburg, VA 23188	Collocation of antennas, ancillary equipment and ground equipment as per plans for a new carrier on an existing wireless communication facility.	John Risinger
	SP-22-0018	267 Industrial Blvd. Gravel Storage Yard SP Amend.	Stonehouse	267 INDUSTRIAL BLVD Toano, VA 23168	Site Plan Amendment to raise the proposed storm sewer system.	Tom Leininger
	SP-22-0019	Williamsburg Landing Boatwright Cir. Duplexes Lighting Amend.	Roberts	5550 WILLIAMSBURG LANDING DR Williamsburg, VA 23185	Lighting Amendment for Boatwright Circle Additions at Williamsburg Landing Lighting Amendment for Boatwright Circle Additions at Williamsburg Landing.	John Risinger
	SP-22-0021	4601 Monticello Ave. Chase Bank SP Amend.	Jamestown	4601 MONTICELLO AVE Williamsburg, VA 23188	JPM Chase Bank - Monticello Williamsburg parking Lot Amendments.	Jose Ribeiro
	SP-22-0022	4039 Ironbound Rd - Cell Tower Antenna Amend.	Jamestown	4039 IRONBOUND RD Williamsburg, VA 23188	RIRIC00415B DISH Wireless Antenna Colocation.	Tom Leininger
	SP-22-0023	4095 Ironbound Rd - Voter Registrar Building Sidewalk Improvement	Jamestown	4095 IRONBOUND RD Williamsburg, VA 23188	Addition of a sidewalk to add access to the building.	Tom Leininger
	SP-22-0024	Freedom Park Rock Garden Amend.	Powhatan	5537 CENTERVILLE RD 3010100009 Williamsburg, VA 23188	20 by 12 foot Rock Garden.	Paxton Condon
	SP-22-0025	3500 Brick Bat Rd. Tower SP Amend.	Berkeley	3500 BRICK BAT RD Williamsburg, VA 23188	Verizon Wireless proposes to remove 9 antenna(s) and 6 RRH(s) and install 9 new antenna(s) and 6 new RRH(s) to pre-existing cell tower.	John Risinger
	SP-22-0026	InvadR Ride Accessory Shed	Roberts	7851 POCAHONTAS TRL Williamsburg, VA 23185	This plan amends SP-0007-2016 to add a new building for storage of electrical equipment.	Suzanne Yeats